THE

Public General Acts of 1931-32

PASSED IN THE TWENTY-FIRST AND TWENTY-SECOND YEARS OF THE REIGN OF HIS MAJESTY

KING GEORGE THE FIFTH

BEING THE

THIRD SESSION OF THE THIRD

PARLIAMENT OF NORTHERN IRELAND

TOGETHER WITH THE

LOCAL AND PRIVATE ACTS, AND TABLES OF THE TITLES, THE EFFECT OF THE YEAR'S LEGISLATION AND AN INDEX

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CONTENTS.

Table		PAGE
I.	TABLE OF THE TITLES OF THE ACTS PASSED DURING THE SESSION	iii
	THE PUBLIC GENERAL ACTS.	
II.	THE EFFECT OF THE SESSION'S LEGISLATION :—	
	Part I.—Showing the Acts of the Parliament of the United Kingdom Repealed or Amended by Acts of the Parliament of Northern Ireland ..	200
	Part 2.—Showing the Acts of the Parliament of Northern Ireland Repealed or Amended by Acts of that Parliament	206
III.	INDEX TO THE PUBLIC GENERAL ACTS	209
IV.	TABLE OF THE ACTS OF THE PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND PASSED IN THE YEAR 1931, APPLICABLE IN NORTHERN IRELAND	224
V.	TABLE OF THE TITLES OF THE LOCAL AND PRIVATE ACTS PASSED DURING THE SESSION	225
	THE LOCAL AND PRIVATE ACTS.	

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TABLE I.

A
TABLE
OF
THE TITLES OF THE PUBLIC GENERAL ACTS
OF 1931-32

being the Acts passed in the THIRD SESSION of the THIRD PARLIAMENT OF NORTHERN IRELAND.

21 & 22 GEO. 5.—A.D. 1931-32.

ROYAL ASSENT, 31ST MARCH, 1931.

1. An Act to raise to two million five hundred thousand pounds the limit on the amount which may be outstanding at any time in respect of the advances by the Ministry of Finance for discharging the liabilities of the current account of the Northern Irish Unemployment Fund ; to amend sub-section (2) of section eighteen of the Unemployment Insurance Act (Northern Ireland), 1928, by further extending to forty-two months the period of twelve months therein mentioned ; and to make provision for certain other matters in connection with the extension aforesaid. (*Unemployment Insurance.*)

2. An Act to amend the Loans Guarantee Acts (Northern Ireland), 1922 to 1929, by making further provision with respect to the amount of loans which may be guaranteed under the said Acts, by extending the period within which the Ministry of Finance may give guarantees thereunder, and by enabling money to be borrowed for temporary payments in fulfilment of such guarantees. (*Loans Guarantee.*)

3. An Act to apply certain Sums out of the Consolidated Fund of Northern Ireland to the service of the years ending on the thirty-first day of March, nineteen hundred and thirty-one, and the thirty-first day of March, nineteen hundred and thirty-two. (*Consolidated Fund.*)

ROYAL ASSENT, 30TH APRIL, 1931.

4. An Act to amend section one of the Housing Act (Northern Ireland), 1923, as amended by subsequent enactments. [*Housing (Grants.)*]

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ROYAL ASSENT, 30TH APRIL, 1931—*continued.*

5. An Act to amend and extend Part I. of the Children Act, 1908, so as to make further provision for the protection of child life. [*Children (Amendment.)*].

6. An Act to amend sub-section (3) of section three of the National Health Insurance Act, 1924, and make financial provision in connection with such amendment, and to extend the provisions of section thirty-six of the said Act. (*National Health Insurance.*)

ROYAL ASSENT, 26TH MAY, 1931.

7. An Act to amend and extend the provisions of the Marketing of Eggs Acts (Northern Ireland), 1924 to 1928. (*Marketing of Eggs.*)

8. An Act to provide for the maintenance of proper standards of quality in connection with the marketing of fruit in certain cases, and for the licensing of persons engaged in such marketing; and for other purposes connected therewith. (*Marketing of Fruit.*)

9. An Act to amend the law with respect to the supply of electricity. [*Electricity (Supply).*].

10. An Act to apply a Sum out of the Consolidated Fund of Northern Ireland to the service of the year ending on the thirty-first day of March, nineteen hundred and thirty-two, and to appropriate the Supplies granted in this Session of Parliament. (*Appropriation.*)

ROYAL ASSENT, 29TH SEPTEMBER, 1931.

11. An Act to authorise the making of Orders in the Privy Council of Northern Ireland for the purpose of effecting economies in expenditure falling to be defrayed out of public moneys and improvements in the arrangements for meeting such expenditure. (*Economy.*)

ROYAL ASSENT, 13TH OCTOBER, 1931.

12. An Act to provide for the making of schemes laying down plans for the development or re-development of land; to make further provision with respect to the clearance and improvement of unhealthy areas and the demolition or repair of insanitary houses, and with respect to the application of the Second Schedule to the Housing of the Working Classes Act, 1890, in certain cases; to amend certain enactments relating to the regulation of new buildings; and for purposes connected with the matters aforesaid. (*Planning and Housing.*)

13. An Act to amend the provisions of the Education Acts (Northern Ireland), 1923 to 1930, relating to compulsory school attendance. (*Education*).

14. An Act to consolidate, simplify and amend the Law relating to the Protection of Wild Birds. (*Wild Birds Protection.*)

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ROYAL ASSENT, 13TH OCTOBER, 1931—*Continued.*

15. An Act to raise to two million six hundred thousand pounds the limit on the amount which may be outstanding at any time in respect of the advances by the Ministry of Finance for discharging the liabilities of the current account of the Northern Irish Unemployment Fund; to amend sub-section (2) of section eighteen of the Unemployment Insurance Act (Northern Ireland), 1928, by further extending to forty-eight months the period of twelve months therein mentioned; and to make provision for certain other matters in connection with the extension aforesaid. [*Unemployment Insurance* (*No.* 2).].

16. An Act to amend sub-section (4) of section nine of the Workmen's Compensation Act (Northern Ireland), 1927. (*Workmen's Compensation.*)

ROYAL ASSENT, 24TH NOVEMBER, 1931.

17. An Act to amend section one of the Widows', Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1929, so as to define for the purposes of the said section one the meaning of the expression "normal occupation," and so as to entitle to widows' pensions the widows of men who attained the age of seventy on or before the fifteenth day of July, nineteen hundred and twelve, and died on or after the fourth day of January, nineteen hundred and twenty-six, and whose normal occupation was, at some time within three years before the date on which they attained the said age, of a certain kind; to amend the provisions of the Widows', Orphans' and Old Age Contributory Pensions Acts (Northern Ireland), 1925 and 1929, with respect to adopted children and the pensions of patients of unsound mind; to explain the extent to which the National Health Insurance Act, 1924, applies in the administration of the said Acts; and for purposes consequential upon the purposes aforesaid. (*Widows', Orphans' and Old Age Contributory Pensions.*)

ROYAL ASSENT, 22ND DECEMBER, 1931.

18. An Act to continue certain Expiring Laws as respects Northern Ireland. (*Expiring Laws Continuance.*)

19. An Act to extend the provisions of the Assurance Companies Act, 1909, in its application to underwriters. [*Assurance Companies* (*Underwriters*).].

20. An Act to confirm and give effect to an agreement relating to the Agricultural Research Station for Northern Ireland. (*Agricultural Research Station.*)

21. An Act to apply a Sum out of the Consolidated Fund of Northern Ireland to the service of the year ending on the thirty-first day of March, nineteen hundred and thirty-two, and to appropriate the further Supplies granted in this Session of Parliament. [*Appropriation* (*No.* 2).].

22. An Act to authorise the writing off of certain sums from the assets of the Government Loans Fund. (*Government Loans.*)

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ROYAL ASSENT, 22ND DECEMBER, 1931—*Continued.*

23. An Act to amend sub-section (3) of section three of the National Health Insurance Act, 1924, and to make financial provision in connection with such amendment, and to amend section twelve of the said Act as that section applies in Northern Ireland by virtue of section three of the National Health Insurance Act (Northern Ireland), 1930. [*National Health Insurance* (*No.* 2).].

24. An Act to amend the law relating to Death Duties, Stamp Duty, the levying of certain Duties of Excise, and the Public Debt; and to make further provision in connection with Finance. (*Finance.*)

ROYAL ASSENT, 18TH FEBRUARY, 1932.

25. An Act to amend the Drainage Acts (Northern Ireland), 1925 and 1929. (*Drainage.*)

26. An Act to make provision for the periodical revaluation of rateable property in Northern Ireland, and otherwise to amend the law relating to the valuation of such property. (*Valuation Acts Amendment.*)

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NORTHERN IRELAND.

THE PUBLIC GENERAL STATUTES OF 1931-32.

21 & 22 GEO. 5.

CHAPTER 1.

A.D. 1931

An Act to raise to two million five hundred thousand pounds the limit on the amount which may be outstanding at any time in respect of the advances by the Ministry of Finance for discharging the liabilities of the current account of the Northern Irish Unemployment Fund; to amend sub-section (2) of section eighteen of the Unemployment Insurance Act (Northern Ireland), 1928, by further extending to forty-two months the period of twelve months therein mentioned; and to make provision for certain other matters in connection with the extension aforesaid. [31st March, 1931.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Increase of limit on outstanding advances under s. 5 of 16 & 17 Geo. 5 c. 1. 20 & 21 Geo. 5 c. 8.

1. The limit on the amount which may be outstanding at any time in respect of the advances to be made by the Ministry of Finance under section five of the Unemployment Insurance (Agreement) Act (Northern Ireland), 1926 (as amended by the Unemployment Fund Act (Northern Ireland), 1930) for the purpose of discharging the liabilities of the current account of the Northern Irish unemployment fund (in this Act referred to as "the unemployment fund") shall be raised to two million five hundred thousand pounds.

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A.D. 1931.

Further amendment of s. 18 (2) of 18 & 19 Geo. 5, c. 3. 19 Geo. 5, c. 7. 20 Geo. 5, c. 22.

2.—(1) The period of twelve months mentioned in sub-section (2) of section eighteen of the Unemployment Insurance Act (Northern Ireland), 1928 (which was extended by the Unemployment Insurance (Transitional Provisions Amendment) Act (Northern Ireland), 1929, to twenty-four months and by the Unemployment Insurance (Amendment) Act (Northern Ireland), 1930, to thirty-six months) shall be further extended to forty-two months, and the said sub-section shall have effect accordingly.

(2) There shall be paid into the unemployment fund out of moneys provided by Parliament—

(*a*) such amounts as may be determined by the Ministry of Labour, with the concurrence of the Ministry of Finance, to be approximately equivalent to the aggregate amount of the sums which are from time to time paid by way of benefit under the said sub-section (2) as extended by this section; and

(*b*) an amount approximately equivalent to the expenses incurred by the Ministry of Labour in administering the benefit aforesaid.

(3) The amounts paid into the unemployment fund under sub-section (2) of this section shall not be treated as receipts paid into that fund within the meaning of the proviso to sub-section (3) of section twelve of the Unemployment Insurance Act, 1920, and the maximum sum applicable under the said proviso as an appropriation in aid shall be increased by a sum equal to the amount paid into the unemployment fund under paragraph (*b*) of sub-section (2) of this section.

10 & 11 Geo. 5, c. 30.

Short title and construction.

3. This Act may be cited as the Unemployment Insurance Act (Northern Ireland), 1931, and shall be construed as one with the Unemployment Insurance Acts (Northern Ireland), 1920 to 1930, and those Acts and this Act may be cited together as the Unemployment Insurance Acts (Northern Ireland), 1920 to 1931.

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CHAPTER 2.

A.D. 1931.

An Act to amend the Loans Guarantee Acts (Northern Ireland), 1922 to 1929, by making further provision with respect to the amount of loans which may be guaranteed under the said Acts, by extending the period within which the Ministry of Finance may give guarantees thereunder, and by enabling money to be borrowed for temporary payments in fulfilment of such guarantees. [31st March, 1931.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Provisions as to amount of loans and extension of period for giving of guarantees. 12 & 13 Geo. 5, c. 24.

1.—(1) The maximum limit on the aggregate capital amount of the loans, the principal or interest of which may be guaranteed under sub-section (1) of section one of the Loans Guarantee Act (Northern Ireland), 1922, as amended by subsequent enactments of the Loans Guarantee Acts (Northern Ireland), 1922 to 1929, and this Act, shall be thirteen million pounds.

In ascertaining, as at any date, the said maximum limit, account shall not be taken of any loan in respect of which a guarantee has been given, to the extent to which—

(*a*) the liability of the Ministry of Finance under the guarantee has ceased before such date ; or

(*b*) any sums paid by the Ministry of Finance in fulfilment of its liability under the guarantee have been repaid before such date to the Exchequer of Northern Ireland.

(2) The power of the Ministry of Finance to give guarantees in respect of loans under the said section, amended as aforesaid, may be exercised at any time up to and including the thirty-first day of March, nineteen hundred and thirty-two.

Borrowing for temporary payments in fulfilment of guarantees.

2.—(1) The Ministry of Finance may, for the purpose of providing for the issue of sums out of the Consolidated Fund of Northern Ireland for temporary payments as defined in this section, borrow money by

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A.D. 1931.

the issue of Treasury Bills or otherwise; and all sums so borrowed shall be paid into the Exchequer of Northern Ireland.

(2) The principal of and interest on any moneys borrowed under this section shall, where the Act applicable to borrowing by any such method as aforesaid does not so provide, be a charge on and payable out of the Consolidated Fund of Northern Ireland or the growing produce thereof.

(3) In this section the expression "temporary payments" means sums paid by the Ministry of Finance in fulfilment of its liability under a guarantee in any case where the said Ministry is satisfied that the said sums are likely to be repaid, in whole or in part, to the Exchequer of Northern Ireland under sub-section (5) of section one of the Loans Guarantee Act (Northern Ireland), 1922.

Short title and citation.

3. This Act may be cited as the Loans Guarantee Act (Northern Ireland), 1931, and the Loans Guarantee Acts (Northern Ireland), 1922 to 1929, and this Act may be cited together as the Loans Guarantee Acts (Northern Ireland), 1922 to 1931.

CHAPTER 3.

An Act to apply certain Sums out of the Consolidated Fund of Northern Ireland to the service of the years ending on the thirty-first day of March, nineteen hundred and thirty-one, and the thirty-first day of March, nineteen hundred and thirty-two. [31st March, 1931.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, for the purpose of making good the supply which the House of Commons have, in pursuance of recommendations from the Governor of Northern Ireland, granted to His Majesty in this Session of Parliament, as follows:—

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A.D. 1931

Issue of £77,545 out of the Consolidated Fund for the year ending 31st March, 1931.

1. The Ministry of Finance may issue out of the Consolidated Fund of Northern Ireland, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, nineteen hundred and thirty-one, the sum of seventy-seven thousand, five hundred and forty-five pounds.

Issue of £2,202,800 out of the Consolidated Fund for the year ending 31st March, 1932.

2. The Ministry of Finance may issue out of the said Consolidated Fund, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, nineteen hundred and thirty-two, the sum of two million, two hundred and two thousand, eight hundred pounds.

Power for the Ministry of Finance to borrow.

3. (1) The Ministry of Finance may borrow from any person, by the issue of Treasury Bills or otherwise, on the credit of the aforesaid sums, any sum or sums not exceeding in the whole one million, one hundred and fifty thousand pounds.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March, nineteen hundred and thirty-two, and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills) shall not apply with respect to those Bills.

40 & 41 Vict., c. 2.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with any interest due thereon, out of the growing produce of the said Consolidated Fund at any date not later than the quarter next succeeding to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer of Northern Ireland, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

Short title.

4. This Act may be cited as the Consolidated Fund Act (Northern Ireland), 1931.

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A.D. 1931.

CHAPTER 4.

An Act to amend section one of the Housing Act (Northern Ireland), 1923, as amended by subsequent enactments. [30th April, 1931.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Alteration of amount of grant in respect of construction of houses. 13&14Geo.5, c. 30.

1.—(1) The Ministry of Home Affairs may, under and subject to the provisions of section one of the Housing Act (Northern Ireland), 1923, as amended by subsequent enactments of the Housing Acts (Northern Ireland), 1890 to 1930, make grants in respect of the construction of houses commenced on or after the first day of April, nineteen hundred and thirty, and completed before the first day of April, nineteen hundred and thirty-two, and being of the kitchen or small parlour type with a minimum of five hundred superficial feet in rural districts, and five hundred and fifty superficial feet elsewhere, and a maximum of seven hundred superficial feet.

Grants to which this sub-section applies shall be at the rate of fifty pounds in respect of each house constructed.

(2) A general resolution may be adopted by a local authority, rural district council or county council under and in pursuance of sub-section (9) of section one of the Housing Act (Northern Ireland), 1923, or section three of the Housing Act (Northern Ireland), 1925, and applied to houses in respect of whose construction the Ministry of Home Affairs has power to make grants by virtue of sub-section (1) of this section.

15&16Geo.5, c. 13.

(3) Nothing in this Act shall affect—

(*a*) the payment of a grant at one of the rates specified in sub-section (1) of section one of the Housing Act (Northern Ireland), 1927, in respect of the construction of a house which complies with the conditions for the payment of a grant at such rate under the said sub-section, as amended by subsequent enactments; or

17&18Geo.5, c. 15.

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A.D. 1931.

(*b*) the operation of a general resolution of a local authority, rural district council or county council applying to any house which complies with the said conditions.

Short title and construction.

2. This Act may be cited as the Housing (Grants) Act (Northern Ireland), 1931, and shall be construed as one with the Housing Act (Northern Ireland), 1923, and the enactments amending that Act; and the Housing Acts (Northern Ireland), 1890 to 1930, and this Act may be cited together as the Housing Acts (Northern Ireland), 1890 to 1931.

CHAPTER 5.

An Act to amend and extend Part I. of the Children Act, 1908, so as to make further provision for the protection of child life. [30th April, 1931.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Extension of Enactments relating to Infant Life Protection.

Sanction required by and notice to be given by persons receiving children for reward. 8 Edw. 7, c. 67.

1. The following section shall be substituted for section one of the Children Act, 1908, as that Act applies in Northern Ireland (in this Act referred to as "the principal Act"):—

"**1.**—(1) A person shall not undertake for reward the nursing and maintenance of any child or children apart from their parents or having no parents unless—

(*a*) forty-eight hours at least before the reception by him of any such child he gives to the local authority notice in writing of his intention so to do; and,

(*b*) he has obtained the written sanction of the local authority in respect of each child whose nursing and maintenance he intends to undertake.

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"(2) A person who intends to hand over any child to another person with a view to the nursing and maintenance of such child being undertaken for reward by that other person shall give to the local authority the notice required by this section.

(3) Where a person intends to undertake for reward the nursing and maintenance of a child already in his care without reward, the entering into the undertaking shall, for the purposes of this Part of this Act, be treated as a reception of the child.

(4) The notice to be given under sub-sections (1), (2) and (3) of this section shall state—

(*a*) the name, sex, and date and place of birth of the child;

(*b*) the names of the parents and, if they are living, their addresses;

(*c*) if the parents are dead, the date and place of death, if known;

(*d*) the dwelling within which the child is to be kept;

and in addition, the notice required by sub-section (1) shall state the name and address of the person from whom the child is to be received; the notice required by sub-section (2) shall state the name and address of the person by whom the child is to be received; and the notice required by sub-section (3) shall state the name and address of the person from whom such child was received.

(5) If a person who has undertaken the nursing and maintenance of any such child intends to change his residence, he shall, forty-eight hours at least before any such change is made, give to the local authority notice in writing of the change, and, where the residence to which he intends to remove is situate in the district of another local authority, he shall give to that local authority as respects each child in his care the like notice as is required to be given by sub-section (3) of this section.

(6) If any such child is removed from the care of the person who has undertaken its nursing and maintenance, both that person and the person who intends to receive any such child on removal shall,

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"forty-eight hours at least before the removal, give notice in writing thereof to the local authority.

(7) If any such child dies while in the care of a person who has undertaken its nursing and maintenance, that person shall, within forty-eight hours thereof give to the local authority notice in writing of the death.

(8) If any person acts in contravention of the provisions of sub-section (1) of this section, or, if required to give a notice under this section, fails to give the notice within the time specified for giving the notice, he shall be guilty of an offence under this Part of this Act. Where any child in respect of which notice ought to have been given was a child, the consideration for whose nursing and maintenance consisted in whole or in part of a lump sum, the person failing to give the notice shall, in addition to any other penalty under this Part of this Act, be liable to forfeit that sum or such less sum as the court having cognizance of the case may deem just, and the sum forfeited shall be applied for the benefit of the child in such manner as the court may direct, and where any such sum is ordered to be forfeited the order may be enforced as if it were an order of the court made on complaint."

Amendment of Part I. of 8 Edw. 7, c. 67

2. For the words "infant" and "infants", where those words occur in the provisions of Part I. of the principal Act, there shall be substituted the words "child" and "children" respectively, and the words "under the age of seven years" in sub-section (6) of section two and in section four of the principal Act are hereby repealed.

Section three of the principal Act is hereby repealed.

In sub-section (1) of section eleven of the principal Act, for the words "or boarding schools at which efficient elementary education is provided" there shall be substituted the words "or to any school."

Saving for certain policies of life insurance.

3. Section seven of the principal Act as amended by this Act shall not apply so as to render void any insurance upon the life of a child effected before the passing of this Act where that insurance would have been valid but for the passing of this Act.

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A.D. 1931.

Provisions as to Day Nursing.

Restriction upon undertaking of day nursing of children.

4.—(1) A person shall not habitually and for reward undertake the day nursing of any child or children unless he shall previously have obtained from the local authority written sanction for the day nursing of children.

For the purposes of this Act the expression "day nursing" means the care and custody of a child elsewhere than in the home of the parent or guardian of the child and during the hours of employment of such parent or guardian.

(2) If any person acts in contravention of the provisions of this section he shall be guilty of an offence under Part I. of the principal Act.

Appointment of visitors and inspection of premises.

5.—(1) It shall be the duty of every local authority to provide for the execution within their district of the provisions of this Act with respect to day nursing and for that purpose they shall from time to time make inquiry whether there are any persons residing therein who undertake the day nursing of children.

(2) If in the district of any local authority, any persons are found who undertake the day nursing of children, the local authority shall appoint one or more persons of either sex to be child protection visitors, whose duty it shall be to visit from time to time any premises in which day nursing is carried on in order to satisfy themselves as to the proper care and attention of the children and the suitability of the premises in which they are kept:

Provided that the local authority may, either in addition to or in lieu of appointing child protection visitors, authorise in writing one or more suitable persons of either sex to exercise the powers of child protection visitors under this sub-section, subject to such terms and conditions as may be stated in the authorisation.

(3) A local authority may combine with any other local authority for the purpose of executing the provisions of this Act and for defraying the expenses thereof.

(4) A local authority may exempt from being visited, either unconditionally or subject to such conditions as they think fit, any particular premises within their district in which day nursing is carried on which appear to them to be so conducted that it is unnecessary that they should be visited.

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Local authority may fix number of children which may be kept.

6. The local authority may fix the number of children which may be kept in any premises in which day nursing is carried on, and any person keeping any child in excess of the number so fixed shall be guilty of an offence under Part I. of the principal Act.

Withdrawal of sanction in certain cases.

7.—(1) If at any time day nursing is carried on by any person in any premises which are overcrowded, dangerous or insanitary, the local authority may withdraw any sanction granted to that person to carry on day nursing.

(2) If at any time day nursing is carried on by any person who, by reason of negligence, ignorance, inebriety, immorality, criminal conduct, or other similar cause, is, in the opinion of the local authority, unfit to carry on day nursing, or if any person by whom day nursing is carried on refuses to allow any child protection visitor or other duly authorised person to visit the premises for the purpose of exercising the powers of a child protection visitor under this Act, the local authority may withdraw any sanction granted to that person to carry on day nursing.

Exemptions

8.—(1) The provisions of this Act with respect to day nursing shall not extend to any relative of a child who undertakes the day nursing of the child, or to institutions established for the protection and care of children and conducted in good faith for religious or charitable purposes, or to any school.

(2) For the purposes of this section the expression "relatives" means grandparents, brothers, sisters, uncles, and aunts, by consanguinity or affinity, and, in the case of illegitimate children, the persons who would be so related if the child were legitimate.

Supplemental.

Short title, construction and citation.

9.—(1) This Act may be cited as the Children (Amendment) Act (Northern Ireland) 1931, and shall be construed as one with Part I. of the principal Act; and the principal Act and this Act may be cited together as the Children Acts (Northern Ireland), 1908 and 1931.

(2) This Act shall come into operation on the first day of July, nineteen hundred and thirty-one.

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A.D. 1931.

CHAPTER 6.

An Act to amend sub-section (3) of section three of the National Health Insurance Act, 1924, and make financial provision in connection with such amendment, and to extend the provisions of section thirty-six of the said Act.

[30th April, 1931.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Prolongation of period of insurance under s. 3 (3) of principal Act.

18&19Geo.5, c. 14.

1. Where a person was immediately before the first day of January, nineteen hundred and thirty-one, insured as an employed contributor under the provisions of sub-section (3) of section three of the principal Act, or under the said sub-section as applied by regulations made under section twenty-three of the National Health Insurance Act, 1928, he shall continue to be treated as an employed contributor remaining by virtue of the said sub-section insured under the principal Act until the prescribed day, if he satisfies the requirement contained in paragraph (*a*) of the said sub-section and also proves within the prescribed time that, throughout the period during which by virtue of the said sub-section he remained insured under the principal Act, he was when not employed within the meaning of that Act either available for, but unable to obtain, employment within the meaning of the principal Act or incapable of work by reason of some specific disease or bodily or mental disablement of which notice was given within the prescribed time.

In this section the expression "prescribed day" means the thirty-first day of December, nineteen hundred and thirty-one, or such later day, not being later than the thirty-first day of March, nineteen hundred and thirty-two, as may be prescribed by regulations made with the consent of the Ministry of Finance.

Financial provision.

2.—(1) There shall, in respect of every person, being a member of an approved society, to whom the foregoing provisions of this Act apply, be paid out of moneys provided by Parliament to the fund out of which the benefits

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A.D. 1931.

to which that person is entitled are provided, and, subject to the retention thereout of the amounts mentioned in section sixty-seven of the principal Act, credited to the account in that fund of the approved society of which that person is a member, a sum equal to thirty-six contributions at the rate in the case of a man of ninepence and in the case of a woman of eightpence halfpenny.

(2) For the purpose of section four of the principal Act the sums paid under this section in respect of any person shall be deemed to be contributions paid under the principal Act by or in respect of that person.

(3) This section shall have effect as from the first day of January, nineteen hundred and thirty-one.

Administration of approved societies.

3. The following sub-section shall be inserted in section thirty-six of the principal Act after sub-section (2) thereof:—

"(2) (A) Every approved society and branch of an approved society shall, at any reasonable time, furnish to the Ministry all such information concerning the administration of the society or branch as the Ministry may require and produce, when called upon to do so, all books and records of the society or branch to officers of the Ministry authorised for that purpose in writing."

Short title and construction.

4.—(1) This Act may be cited as the National Health Insurance Act (Northern Ireland), 1931, and the National Health Insurance Acts (Northern Ireland), 1924 to 1930, and this Act may be cited together as the National Health Insurance Acts (Northern Ireland), 1924 to 1931.

(2) This Act shall be construed as one with the principal Act.

(3) In this Act the expression "the principal Act" means the National Health Insurance Act, 1924, as that Act applies in Northern Ireland, and references to the principal Act shall be construed as references to that Act as amended in its application to Northern Ireland by any subsequent enactment.

14 & 15 Geo. 5, c. 38.

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CHAPTER 7.

An Act to amend and extend the provisions of the Marketing of Eggs Acts (Northern Ireland), 1924 to 1928. [26th May, 1931.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Amendment of s. 1 of 14&15Geo.5 c. 15, as to licensing of wholesale dealers in eggs

1.—(1) Section one of the principal Act shall have effect subject to the following amendments :—

(*a*) Two classes of licences may be granted under the said section to wholesale dealers in eggs, namely—

(i) a licence for the purchase of eggs and the disposal thereof after having been tested, graded and packed in accordance with the prescribed conditions, to be called a "Class A licence," and

(ii) a licence for the purchase of eggs and the disposal thereof to other wholesale dealers in eggs in accordance with the prescribed conditions, to be called a "Class B licence";

(*b*) A licence granted under the said section may be revoked or suspended by the Ministry of Agriculture (in this Act referred to as "the Ministry"), by reason of the non-compliance of the holder of the licence with any condition applying thereto, or for any other reason which the Ministry may deem to be sufficient;

(*c*) A licence granted under the said section shall, unless revoked or suspended, remain in force until the thirty-first day of August next after the day on which it is granted, but shall be renewable annually, and the same provisions shall apply to the renewal of a licence as apply to the original granting thereof;

(*d*) The following fees shall be paid to the Ministry in respect of the granting or renewal of licences under the said section, namely—

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(i) for a Class A licence: three pounds payable upon the granting or renewal of the licence, together with a sum payable at the prescribed times, and calculated at such rate as may be prescribed but not being in any case higher than one penny for each thirty dozen eggs sent to Great Britain, the Irish Free State or the Isle of Man;

(ii) for a Class B licence: one pound;

(*e*) Sub-section (3) of the said section is hereby repealed, except so far as it relates to certified copies of licences.

(2) All licences granted under section one of the principal Act and in force immediately before the date of the commencement of this Act shall cease to have effect on that date; and licences to take effect on and from that date under the provisions of this section may be granted at any time after the passing of this Act.

Keeping of records and returns by Class A licence-holders.

2.—(1) The holder of a Class A licence granted as aforesaid shall keep such records and furnish to the Ministry such returns in relation to eggs sent by him to destinations outside Northern Ireland as may be prescribed, and shall permit the said records to be inspected, and extracts therefrom to be taken, by a duly authorised officer of the Ministry.

(2) If the holder of a Class A licence wilfully makes default in complying with this section, or if he wilfully makes any false or fraudulent statement in any record or return kept or furnished in pursuance of this section, or refuses to permit an authorised officer to inspect any such record or take extracts therefrom, he shall be guilty of an offence against the principal Act.

(3) No individual return or part of a return furnished in pursuance of this section shall be published or disclosed, except for the purpose of a prosecution under the principal Act.

Registration of wholesale dealers' premises.

3.—(1) All premises owned or occupied by a person licensed under section one of the principal Act as amended by this Act (in this Act referred to as a "licensed wholesale dealer") for any purpose of his trade as a licensed wholesale dealer shall be registered by that person with

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A.D. 1931.

the Ministry in such manner and subject to such conditions as may be prescribed, and any person using or causing to be used for any such purpose as aforesaid any premises not duly registered for that purpose shall be guilty of an offence against the principal Act.

(2) The Ministry may refuse to register any premises as aforesaid unless satisfied that they comply with the prescribed conditions as to structural suitability and as to the equipment to be provided therein, and may cancel the registration of any premises if they cease to comply with any conditions which may from time to time be prescribed with respect to premises registered under this section. Where a licence granted to a wholesale dealer in eggs under section one of the principal Act is suspended or revoked the registration under this section of any premises owned or occupied by that person shall be deemed to be cancelled.

(3) References in section six of the principal Act to premises owned or occupied, or to premises not owned or occupied, by a licensed wholesale dealer shall be construed respectively as references to premises registered, or to premises not registered, under this section. The reference in sub-section (1) of section two of the Marketing of Eggs Act (Northern Ireland), 1926, to premises shall be construed as a reference to premises registered under this section.

16 & 17 Geo. 5 c. 28.

Removal and detention of eggs in transit, etc.

4.—(1) An officer of the Ministry, duly authorised for the purposes of section eight of the Marketing of Eggs Act (Northern Ireland), 1926, shall have the following powers :—

(*a*) To remove, for the purpose of examination, cases of eggs from any premises, pier, quay, wharf, jetty, dock, vessel or vehicle which such officer has power to enter under the said section ;

(*b*) To detain in his custody, for so long as may be reasonably necessary for the purpose of examination, cases of eggs removed as aforesaid ;

(*c*) To remove, from a case of eggs forming part of any consignment, any eggs being in that case in contravention of the requirements of the principal Act or the rules made thereunder, or any eggs reasonably required as samples for examination.

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A.D. 1931

(2) Where an examination of a consignment of eggs is made under the said section eight as amended by this section, and the Ministry is satisfied that the consignment or any part thereof does not conform to the requirements of the principal Act or the rules made thereunder, the Ministry may direct that such consignment or part shall be returned to the consignor, at his expense, at the place from which it was consigned, or, if the Ministry approves, at such place as the consignor may elect.

(3) Where any eggs have been removed from a consignment under paragraph (*c*) of sub-section (1) of this section, the eggs shall, except such eggs as are reasonably required as samples, be delivered to the consignor at the place of examination or at such other place as the Ministry may elect, or, if the consignor fails to take delivery at such place, shall be sold and the proceeds, less any expenses incurred by the Ministry in connection with the removal or sale, shall be paid to the consignor at such times and in such manner as the Ministry may fix.

(4) Any officer of the Ministry acting, in the exercise of the powers conferred by section eight of the Marketing of Eggs Act (Northern Ireland), 1926, or this section, on the premises of, or used by, any carrier shall conform to such reasonable requirements of such carrier as are necessary to prevent the working of the traffic thereat being obstructed or interfered with; and a carrier shall not be liable for or on account of any loss or damage arising from the exercise by any officer of the Ministry of the powers conferred as aforesaid.

(5) Nothing in section eight of the Marketing of Eggs Act (Northern Ireland), 1926, or this section shall be construed as authorising anything to be done to the prejudice of any powers of a carrier to secure payment of freight charges in respect of any consignment carried by him.

(6) An officer of the Ministry duly authorised for the purposes of section six of the Marketing of Eggs Act (Northern Ireland), 1926, and on production (if so required) of his authorisation, shall have power for those purposes—

(*a*) to examine eggs at any place where they are offered for sale and take samples thereof; and

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(*b*) to remove eggs for examination from any such place or from any premises which such officer has power to enter under the said section.

Restriction on sending eggs to Great Britain, Irish Free State and Isle of Man.

5. A person who is not a licensed wholesale dealer shall not send or attempt to send any consignment of eggs from Northern Ireland to Great Britain, the Irish Free State or the Isle of Man unless—

(*a*) the consignment consists of less than three hundred eggs, or

(*b*) the consignment is sent under a permit issued by the Ministry and complies with any conditions subject to which the permit is issued.

Any person who sends or attempts to send eggs out of Northern Ireland in contravention of the provisions of this section shall be guilty of an offence against the principal Act.

Provisions as to appeals and prosecutions.

6.—(1) A court of summary jurisdiction when trying any offence against the principal Act shall be constituted of a resident magistrate, sitting alone or with other resident magistrates, and a court of quarter sessions when hearing and determining an appeal from a conviction for any such offence shall be constituted of the county court judge or recorder sitting alone.

(2) Proceedings for an offence against the principal Act shall not be instituted except by or with the consent of the Ministry or by a district inspector or other officer of the Royal Ulster Constabulary.

Interpretation.

7. In this Act the expression "the principal Act" means the Marketing of Eggs Act (Northern Ireland), 1924; the expression "resident magistrate" means a magistrate appointed under the Constabulary (Ireland) Act, 1836, as amended by section six of the Constabulary Act (Northern Ireland), 1922, and the expression "prescribed" means prescribed by rules made by the Ministry under the principal Act.

6 & 7 Will. 4, c. 13.
12 & 13 Geo. 5 c. 8.

References in this Act to the principal Act shall be construed as references to that Act as amended by the Marketing of Eggs Act (Northern Ireland), 1926, and the Marketing of Eggs Act (Northern Ireland), 1928.

18 & 19 Geo. 5 c. 27.

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Short title, construction and commencement.

8.—(1) This Act may be cited as the Marketing of Eggs Act (Northern Ireland), 1931, and shall be construed as one with the Marketing of Eggs Acts (Northern Ireland), 1924 to 1928; and those Acts and this Act may be cited together as the Marketing of Eggs Acts (Northern Ireland), 1924 to 1931.

(2) This Act shall, save as therein expressly provided, come into operation on the first day of September, nineteen hundred and thirty-one.

CHAPTER 8.

An Act to provide for the maintenance of proper standards of quality in connection with the marketing of fruit in certain cases, and for the licensing of persons engaged in such marketing; and for other purposes connected therewith.

[26th May, 1931.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

CONSIGNMENT OF FRUIT TO GREAT BRITAIN, THE IRISH FREE STATE AND THE ISLE OF MAN.

Restriction on sending fruit to Great Britain, Irish Free State and Isle of Man

1. Except as otherwise provided by this Act, a person shall not send or attempt to send fruit from Northern Ireland to Great Britain, the Irish Free State or the Isle of Man, unless he holds a licence or permit for that purpose under this Part of this Act.

Power of Ministry of Agriculture to grant, revoke and suspend licences.

2.—(1) Subject to the provisions of this Part of this Act, the Ministry of Agriculture shall have power to grant, revoke and suspend licences authorising the persons named therein to send fruit from Northern Ireland to Great Britain, the Irish Free State and the Isle of Man.

(2) The Ministry of Agriculture shall, on application being made in the prescribed manner, and on payment

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A.D. 1931

of the fee specified in this section, grant to any person, upon such conditions as may be prescribed, a licence for the purposes aforesaid:

Provided that the said Ministry may refuse to grant a licence to an applicant who was formerly licensed under this Part of this Act, but whose licence has been revoked.

(3) A licence granted under this section shall be in the prescribed form, and may be revoked or suspended by the Ministry of Agriculture by reason of the non-compliance of the holder of the licence with the prescribed conditions applying thereto, or for any other reason which the said Ministry may deem to be sufficient.

(4) A licence granted under this section shall, unless revoked or suspended, remain in force for a period of twelve months from the date on which it is granted, but shall be renewable annually; and the same provisions shall apply to the renewal of a licence as apply to the original granting thereof.

(5) The fee for the granting or renewal of a licence shall be one pound, and a certified copy of a licence may be issued upon payment of a fee of two shillings and sixpence.

(6) The holder of a licence shall keep such records in respect of the receipt, despatch, transit and delivery of fruit dealt with by him as the Ministry of Agriculture may require for the enforcement of the provisions of this Part of this Act, and shall permit those records to be inspected, and extracts therefrom to be taken, by any authorised officer.

Standards of quality, etc., for fruit consigned under licences.

3. A person who holds a licence under this Part of this Act shall not send or attempt to send fruit out of Northern Ireland under the authority of the licence, unless such fruit is of the prescribed standard of quality, is graded and packed in the prescribed manner, and is marked with the prescribed mark:

Provided that no rule as to the marking of fruit shall be made by the Ministry of Agriculture so as to interfere with the lawful use by any person of a particular mark or brand for the purposes of his trade or business.

Permits for consignments of fruit in certain cases.

4.—(1) The Ministry of Agriculture shall, upon such conditions as the said Ministry thinks fit, grant permits authorising consignments of fruit to which this section

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applies to be sent from Northern Ireland to Great Britain, the Irish Free State or the Isle of Man :

Provided that the said Ministry may refuse to grant a permit to a person who formerly held a permit under this Part of this Act but whose permit has been revoked.

(2) A permit may be revoked by the Ministry of Agriculture if the holder of the permit fails to comply with any conditions applying thereto, or for any other reason which the said Ministry may deem to be sufficient.

(3) This section applies to consignments of fruit grown by the consignor and to consignments which are being sent for bottling, canning, or manufacturing purposes, or for experimental or other exceptional purposes.

Surrender and production of licences, etc., and giving of information

5.—(1) The holder of a licence or permit granted under this Part of this Act shall, in the event of the licence or permit having expired or having been suspended or revoked, return such licence or permit to the Ministry of Agriculture immediately on such expiry, suspension or revocation.

(2) Any person in charge or possession of fruit which is being moved or otherwise dealt with in circumstances in which a permit is required by virtue of this Part of this Act, or in circumstances in which such permit appears to an authorised officer or a member of the Royal Ulster Constabulary to be so required, shall, on demand by such officer or member, produce such permit for inspection or furnish the prescribed particulars thereof.

(3) Any person presenting fruit to a carrier for conveyance in circumstances in which a permit is required by virtue of this Part of this Act shall, on demand made on behalf of such carrier, produce such permit or furnish the prescribed particulars thereof.

(4) Any person in charge or possession of fruit which has been moved or otherwise dealt with in contravention of any provision of this Part of this Act or rule made for the purposes thereof, or in breach of any condition of a licence or permit issued under this Part of this Act, or which is suspected by an authorised officer or a member of the Royal Ulster Constabulary of having been so moved or dealt with, shall, on demand by such officer or member, give his name and address and any information within his knowledge as to such fruit

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A.D. 1931.

which may be demanded of him by such officer or member.

(5) Any person failing to comply with any provision of this section shall be liable on conviction to a fine not exceeding twenty pounds.

Power to enter premises and examine consignments, etc.

6.—(1) Any authorised officer shall for the purposes of this Part of this Act have power—

(*a*) to enter, at all reasonable times, any premises (including a fruit market) owned, occupied or used by any person for the purpose of trade in fruit, and to inspect therein any process connected with the grading or packing of fruit, and to examine any fruit in the possession of such person in such premises;

(*b*) to take, without payment, for the purpose of examination, reasonable samples of fruit or any packing materials, and examine the same;

(*c*) to enter at all reasonable times the premises of any person engaged in the business of carrying goods for reward, any pier, quay, wharf, jetty, dock or dock premises, and any ship, boat, railway waggon, motor lorry, cart or other vessel or vehicle used for the conveyance of goods, and to examine, or retain, remove or open for the purpose of examination, any case of fruit which may be found in or upon any premises, vessel or vehicle which he is entitled to enter under this provision.

(2) Where any case of fruit is examined by an authorised officer under paragraph (*c*) of sub-section (1) of this section, the case shall be marked or labelled by the officer to that effect; and such mark or label shall be deemed to be a sufficient notification to the consignor or consignee that the case has been so examined.

(3) Where the examination of fruit under paragraph (*c*) of sub-section (1) of this section is made whilst the fruit is in transit, and the Ministry of Agriculture or an authorised officer is satisfied that a consignment does not conform to the prescribed standard of quality, or is not graded and packed in the prescribed manner, the said Ministry or officer may direct that such consignment shall be returned to the consignor at the place from which it was consigned, or, if the said Ministry or officer approves,

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A.D. 1931.

at such place as the consignor may elect, and thereupon the carrier, or the consignor, as the case may require, shall proceed to execute such direction with all reasonable speed at the expense of the consignor.

(4) Any officer of the Ministry of Agriculture acting, in the exercise of the powers conferred by this section, on the premises of, or used by, any carrier shall conform to such reasonable requirements of such carrier as are necessary to prevent the working of the traffic thereat being obstructed or interefered with; and a carrier shall not be liable for or on account of any loss or damage arising from the exercise by any officer of the Ministry of Agriculture of the powers conferred by this Part of this Act.

(5) Nothing in this section shall be construed as authorising anything to be done to the prejudice of any powers of a carrier to secure payment of freight charges in respect of any consignment carried by him.

(6) If any authorised officer discloses any information obtained by him in the exercise of his powers under this Part of this Act, except to persons acting in the execution of this Act, he shall be liable on conviction to a fine not exceeding fifty pounds.

Seizure and detention of consignments.

7.—(1) A member of the Royal Ulster Constabulary, or an authorised officer, shall have power to seize and detain in custody any consignment of fruit which is being sent, or suspected of being sent, from Northern Ireland to Great Britain, the Irish Free State or the Isle of Man in contravention of any provision of this Part of this Act or rule made for the purposes of this Part of this Act, or in breach of any condition of a licence or permit issued under this Part of this Act.

(2) Where any person seizes or detains in custody any fruit under this section, he shall, as soon as conveniently may be, take such steps as may be proper to have the person believed to be guilty of the offence committed, or believed to have been committed, in relation to such fruit dealt with according to law.

(3) Where any person has been dealt with according to law as aforesaid, the fruit seized and detained may be released and delivered to the consignor at the place of detention, or, if the consignor fails to take delivery

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A.D. 1931.

at such place, shall be sold and the proceeds, less any expenses incurred by the Ministry of Agriculture, or a member of the Royal Ulster Constabulary, in connection with such seizure, detention or sale, shall be paid to the consignor.

Contravention of provisions of Part I. of Act.

8.—(1) Any person who sends or attempts to send fruit out of Northern Ireland to Great Britain, the Irish Free State or the Isle of Man, in contravention of any provision of this Part of this Act or rule made for the purposes thereof, or in breach of any condition of a licence or permit granted or issued to such person under this Part of this Act, shall be guilty of an offence under this Act.

(2) Any carrier who accepts or carries any fruit which is being, or intended to be, sent out of Northern Ireland to Great Britain, the Irish Free State or the Isle of Man, and which is not marked with the prescribed mark or accompanied by a permit, or in respect of which the prescribed particulars of a permit relating to such fruit are not furnished to such carrier, shall be guilty of an offence under this Act.

Savings.

9. The provisions of this Part of this Act shall not apply to—

(*a*) fruit as respects which the Ministry of Agriculture or an authorised officer is satisfied that it was grown outside Northern Ireland, and is not being, or intended to be, sent out of Northern Ireland under the authority of a licence or permit under this Part of this Act;

(*b*) fruit consigned to the Irish Free State, except—

(i) to such extent as is necessary to enable the said provisions to be enforced in cases where the Ministry of Agriculture or an authorised officer is satisfied that the consignment or portion of the consignment is ultimately intended for shipment to Great Britain or the Isle of Man; and

(ii) to such further extent as may be prescribed;

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(c) small consignments of fruit not exceeding such weight as the Ministry of Agriculture may prescribe for particular classes of fruit.

PART II.

PROVISIONS AS TO SALE OF FRUIT IN NORTHERN IRELAND.

Prescription and use of grade designations.

10.—(1) The Ministry of Agriculture may by rules made under this Act prescribe such designations (in this Part of this Act referred to as "grade designations") as the said Ministry may consider appropriate to indicate the quality of any class of fruit grown in Northern Ireland and intended to be sold or offered or exposed for sale within Northern Ireland, and any such regulation shall contain a definition (in this Part of this Act referred to as "the statutory definition") of the quality indicated by every grade designation thereby prescribed.

(2) Where any person sells any fruit to which a grade designation is applied, then, notwithstanding any contract or notice to the contrary, it shall be deemed to be a term of the contract of sale that the quality of the fruit accords with the statutory definition indicated by the grade designation.

(3) For the purposes of this Part of this Act, a grade designation shall be deemed to be applied to fruit if it is used by or on behalf of the vendor, when the fruit is sold or delivered or exposed or offered for sale, in any manner calculated to lead to the belief that the quality of the fruit in connection with which it is used accords with the statutory definition indicated by the grade designation.

(4) For the purposes of this section the expression "quality" includes, in relation to any fruit, the manner in which such fruit has been graded and packed.

Grade designation marks.

11.—(1) Rules made by the Ministry of Agriculture under this Act may prescribe such mark (in this Part of this Act referred to as a "grade designation mark") as the said Ministry may consider appropriate to represent any grade designation, and may authorise, subject to such conditions as may be attached to the authorization, the marking with a grade designation mark of any fruit in respect of which such a mark has been prescribed or of any covering containing, or label attached to, any such fruit.

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(2) Any person who sells or delivers or exposes or offers for sale any fruit marked with a grade designation mark, or who uses any covering or label so marked, whether the fruit, covering or label was so marked by him or by some other person, shall be deemed for the purposes of the last foregoing section to use, in connection with the fruit marked or in connection with any fruit which is contained in the covering or to which the label is attached, as the case may be, the grade designation represented by the mark.

(3) Any person who—

(*a*) forges any grade designation mark; or

(*b*) makes, disposes of, or has in his possession, any die, block, machine, or other instrument, for the purpose of forging a grade designation mark; or

(*c*) uses in connection with any fruit any mark so nearly resembling a grade designation mark as to be calculated to deceive;

shall, unless he proves that he acted without intent to defraud, be liable on conviction to imprisonment for a term not exceeding three months or to a fine not exceeding twenty pounds, or to both such imprisonment and fine.

(4) A person shall not mark any fruit, covering or label with a grade designation mark unless he is authorised to do so by or under rules made under this Act; and any person who acts in contravention of this sub-section shall be liable on conviction to a fine not exceeding twenty pounds.

Provisions as to sale of fruit in containers

12.—(1) All fruit sold, or offered or exposed for sale, by wholesale or retail in a container shall be packed in such manner that any fruit exposed to view, or which would be exposed to view if the container were opened in the ordinary manner, fairly represents in size, maturity, condition and variety the entire contents of the container.

(2) The Ministry of Agriculture may, by rules made under this Act, prescribe that any particular class of fruit shall not be sold or offered or exposed for sale in containers except subject to such conditions as may be prescribed with respect to the material and capacity

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of the containers, the weight of the fruit which may be packed therein, and the manner in which such fruit is to be packed:

Provided that such rules shall not apply except in the case of fruit sold or offered or exposed for sale to a retailer for the purpose of resale by him.

(3) Any person who sells or offers or exposes for sale fruit in contravention of this section or rules made for the purposes thereof shall be liable on conviction to a fine not exceeding twenty pounds.

Exemption of commission salesmen under 17 & 18 Geo. 5, c. 6.

13.—(1) Where, in relation to any fruit consigned for sale on commission, the salesman complies with the requirements of the Horticultural Produce (Sales on Commission) Act (Northern Ireland), 1927, then, by virtue of such compliance, the salesman shall be released from the obligation of complying with the requirements of this Part of this Act in relation to the said fruit, and such obligation shall be deemed to have been imposed upon the person on whose behalf the salesman effects the sale.

(2) Any authorised officer may, by notice in writing, require a salesman to whom this section applies to produce for inspection by such officer any records, books, or documents in the possession of the salesman so far as they relate to the sale of fruit; and if the salesman refuses or fails to produce any such records, books or documents for such inspection, he shall be liable on conviction to a fine not exceeding twenty pounds.

Power of Entry for purposes of Part II. of Act.

14. Any authorised officer shall for the purposes of this Part of this Act have power at all reasonable times to enter any place (not being the premises of a fruit grower) where fruit is sold or exposed for sale, and to examine and take without payment reasonable samples of any fruit in such place.

PART III.

GENERAL PROVISIONS.

Power of Ministry of Agriculture to make rules.

15.—(1) The Ministry of Agriculture may make rules for prescribing anything which under this Act is to be prescribed and generally for carrying this Act into

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A.D. 1931.

effect, and rules made for the purposes of this Act may prescribe different standards of quality and different methods of grading and packing for different classes of fruit.

(2) For the purpose of advising the Ministry of Agriculture with respect to the making of rules under this Act the Minister of Agriculture shall appoint an advisory committee consisting of members appearing to him to represent the interests concerned and of such other members as he may appoint.

(3) All rules made by the Ministry of Agriculture under this Act shall forthwith be laid before both Houses of Parliament if Parliament be then sitting, and, if not, forthwith after the then next meeting of Parliament. If either House, within the statutory period after any rule made by the said Ministry under this Act is laid before such House, resolves that the rule ought to be annulled, the rule shall, after the date of the resolution, be of no effect, without prejudice to the validity of anything done in the meantime thereunder or to the making of any new rule.

For the purpose of this sub-section the expression "statutory period" means a period comprising five days at least on which the House in question has sat, but not being in any case shorter in duration than ten days, and days comprised in more than one session of Parliament may be reckoned for that purpose.

(4) Any rules made by the Ministry of Agriculture under this Act shall be published in the Belfast Gazette and in such other manner as the Ministry of Agriculture thinks best adapted for ensuring publicity.

Offences, prosecutions and application of sums.

16.—(1) Any person guilty of an offence under this Act for which no special penalty is provided shall be liable on conviction—

(*a*) in the case of a first offence to a fine of one pound or any greater sum not exceeding ten pounds;

(*b*) in the case of a second offence to a fine of three pounds or any greater sum not exceeding twenty pounds;

(*c*) in the case of a subsequent offence, to a fine of five pounds or any greater sum not exceeding fifty pounds, or, if in the opinion of the court the offence was committed by the personal act,

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default or negligence of the person accused, and the court is of opinion that a fine will not meet the circumstances of the case, to imprisonment for a term not exceeding three months.

(2) Any person who obstructs or impedes an authorised officer, or a member of the Royal Ulster Constabulary, in the exercise of any of his powers under this Act shall be liable on conviction to a fine not exceeding twenty pounds.

(3) Any person who—

(*a*) in connection with an application for the issue of a licence or permit under Part I. of this Act makes any statement or furnishes any information which to his knowledge is in any material respect false or misleading; or

(*b*) forges or fraudulently alters or uses, or permits to be fraudulently altered or used, any licence, permit or other document issued under this Act;

shall be liable on conviction to imprisonment for a term not exceeding three months or to a fine not exceeding twenty pounds, or to both such imprisonment and fine.

(4) All offences under this Act shall be prosecuted, and all fines thereunder shall be recovered, in manner provided by the Summary Jurisdiction (Ireland) Acts; and a person aggrieved by a conviction or order made by a court of summary jurisdiction on determining any information or complaint under this Act may appeal in manner provided by the said Summary Jurisdiction Acts.

(5) A prosecution for an offence under this Act shall not be instituted except by or with the consent of the Ministry of Agriculture:

Provided that such consent shall not be necessary where proceedings are required to be taken under the provisions of Part I. of this Act with respect to seizure and detention of consignments, or in any case arising under sub-section (6) of section six of this Act.

(6) All fines recoverable under this Act by the Ministry of Agriculture or an authorised officer or a member of the Royal Ulster Constabulary, shall, notwithstanding anything in any enactment, be paid to the said Ministry, and the amount so recovered and all other

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A.D. 1931.

sums received under this Act by the said Ministry shall be paid to the Exchequer of Northern Ireland, except so far as they may be appropriated in aid of the moneys provided by Parliament for defraying the expenses of carrying this Act into effect.

Application of Act.

17. The provisions of this Act shall not, save as therein expressly provided, apply to fruit grown outside Northern Ireland; and where, in any prosecution for an offence under this Act, it is in issue whether any fruit was, or was not, grown in Northern Ireland, it shall be sufficient as respects that issue for the defendant to satisfy the court that he had reasonable grounds for believing that such fruit was not grown in Northern Ireland.

Interpretation.

18.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"Authorised" means authorised by the Ministry of Agriculture:

"Carrier" means any company, body or person carrying fruit for hire or reward:

"Container" or "Case" includes a bag, barrel, box, basket or other receptacle:

"Prescribed" means prescribed by rules made under this Act:

"Fruit" means apples, pears, plums, cherries, currants, gooseberries, raspberries, strawberries, loganberries and such other fruits as may be prescribed.

(2) References in this Act to enactments of the Parliament of the United Kingdom shall be construed as references to those enactments as they apply in Northern Ireland.

Short title and commencement.

19.—(1) This Act may be cited as the Marketing of Fruit Act (Northern Ireland), 1931.

(2) This Act shall come into operation on the appointed day, and the appointed day for the purposes of this Act shall be such day as the Governor of Northern Ireland may by Order in Council appoint either generally or with reference to any particular provision of this Act, and different days may be appointed for different purposes and for different provisions of this Act.

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CHAPTER 9.

A.D. 1931.

An Act to amend the law with respect to the supply of electricity. [26th May, 1931.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

CONSTITUTION OF ELECTRICITY BOARD AND ADVISORY COMMITTEE.

Constitution of Electricity Board.

1.—(1) For the purposes of this Act there shall be established, as soon as may be after the passing of this Act, a body to be called the Electricity Board for Northern Ireland (in this Act referred to as "the Board") which shall be a body corporate with perpetual succession and a common seal, and with power to acquire and hold land without licence in mortmain.

(2) The Board shall consist of not less than two nor more than five members to be appointed by the Minister of Commerce, and to hold office for such term and subject to such conditions as that Minister may determine, and the chairman of the Board shall be such one of the members as may be designated by that Minister.

(3) The Board shall have power to regulate their procedure, and two shall be the quorum of the Board.

(4) The Board may act notwithstanding a vacancy in their number.

(5) The seal of the Board shall be authenticated by the signature of the chairman of the Board or some other member of the Board authorised by the Board to act in that behalf, and of the secretary or some other person authorised by the Board to act in that behalf.

(6) Every document purporting to be an order or other instrument issued by the Board and to be sealed with the seal of the Board authenticated in manner provided by this section, or to be signed by the secretary or any person authorised to act in that behalf, shall be received in evidence and be deemed to be such order or

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A.D. 1931.

instrument without further proof, unless the contrary is shown.

(7) The Board shall have power to appoint a secretary, engineer, and such other officers and servants as the Board may determine.

(8) There shall be paid to the members of the Board, or any of them, out of the fund hereinafter in this Act established, such salaries, fees and allowances for expenses as the Ministry of Commerce may determine.

Disqualification and interests of members of the Board.

2.—(1) A person shall be disqualified for being appointed or being a member of the Board so long as he is a member of either House of the Parliament of Northern Ireland.

(2) Every member of the Board shall, within three months after his appointment, sell or dispose of all shares in any electrical undertaking which, at the time of his appointment, he owns or is interested in for his own benefit; and it shall not be lawful for any member of the Board whilst he holds office to purchase, or become interested in, for his own benefit, any shares in any electrical undertaking, and, if any member of the Board under any will or succession becomes entitled for his own benefit to any shares in any electrical undertaking, he shall sell or dispose of them within three months after he has so become entitled thereto.

(3) A member of the Board, if he is interested in any company, or undertaking, with which the Board have or propose to make any contract, shall disclose to the Board the fact and nature of his interest and shall not take part in any deliberation or decision of the Board relating to such contract, and such disclosure shall be forthwith recorded in the minutes of the Board.

(4) In this section the expression "shares in any electrical undertaking" means any stock, shares, debentures, debenture stock, bonds or other securities of any company engaged in the generation, distribution or supply of electricity or the manufacture of or wholesale or retail dealing in electrical apparatus, and includes any share or interest in any unincorporated undertaking similarly engaged.

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A.D. 1931

General duties and powers of the Board.

3. It shall be the duty of the Board to promote, co-ordinate and improve the supply, distribution and sale of electricity generally in Northern Ireland in accordance with the provisions of this Act, and the Board shall have such further powers and duties as are provided by this Act.

Annual report, statistics and returns

4.—(1) The Board shall annually, on such date and in such form as the Minister of Commerce may prescribe, make to him a report of their proceedings under this Act during the preceding year, and such report shall be laid before both Houses of Parliament.

(2) The Board shall furnish to the Ministry of Commerce, at such times and in such form and manner as that Ministry may direct, such statistics and returns as that Ministry may require.

Advisory Committee.

5.—(1) The Minister of Commerce may appoint an advisory committee for the purpose of giving to the Ministry of Commerce advice and assistance on such matters connected with the general improvement and development of the supply of electricity as may be referred to the committee by that Ministry, and that Ministry shall take into consideration any representations which may be made by the committee on the matters so referred to them.

(2) The advisory committee shall be constituted of the following persons appointed by the Minister of Commerce :—

One person nominated by the council of each county in any part of which the Board are distributing or propose to distribute electricity ;

One person nominated by the council of each borough and urban district within which the Board are distributing or propose to distribute electricity, and being a borough, or district the population of which, according to the census for the time being last ascertained exceeds ten thousand ;

Four persons nominated by the Association of Municipal Authorities of Northern Ireland, being representative of areas within which the Board are distributing or propose to distribute electricity ;

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A.D. 1931.

Four persons nominated by the Association of Rural District Councils in Northern Ireland, being representative of areas within which the Board are distributing or propose to distribute electricity;

Two persons representative of the Associated Chambers of Commerce in Northern Ireland;

Such additional persons (not exceeding four in number) as the Minister of Commerce may think fit to appoint from time to time.

(3) The members of the advisory committee shall hold office for such term and subject to such conditions as the Minister of Commerce may determine, and the chairman of the committee shall be such one of the members as may be designated by that Minister.

PART II.

PROVISIONS AS TO DEVELOPMENT AREAS.

Preparation and carrying out of development schemes.

6.—(1) The Board shall from time to time prepare and submit to the Ministry of Commerce for confirmation schemes (in this Act referred to as "development schemes") relating to the respective areas specified in such development schemes (in this Act referred to as "development areas"), and the Board shall furnish to the Ministry of Commerce, in connection with a development scheme prepared by the Board, all such details, plans and estimates as the said Ministry may require.

(2) A development scheme shall be made with the general object of promoting, co-ordinating and improving the supply, distribution and sale of electricity, as respects the development area to which the scheme relates, and when the scheme is confirmed the Board shall have and may exercise and perform as respects the development area such powers and duties as are provided by this Part of this Act, and a development scheme may contain such supplemental, incidental and consequential provisions as may appear necessary or expedient for giving effect to any provisions of this Part of this Act as respects the development area.

(3) The Board shall cause every development scheme to be published and shall give public notice of the date (not being less than one month from the date of the notice) by which authorised undertakers and

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A.D. 1931.

other persons interested may make representations thereon, and the Ministry of Commerce, after considering the development scheme and such representations, and after holding such inquiries (if any) as the said Ministry thinks fit, may confirm the development scheme either without modifications or subject to such modifications as the said Ministry thinks fit, and either generally or as respects any part of the development area, and shall publish the development scheme as so confirmed, and where the development scheme has been confirmed as respects part of a development area it may subsequently be confirmed as respects other parts of the area.

(4) As soon as a development scheme is so confirmed and published, either generally or as respects any part of a development area, it shall be the duty of the Board to carry out and give effect to the scheme, or to carry out and give effect to the scheme within the said part of the development area, as the case may be.

(5) A development scheme may from time to time be altered or extended by a scheme made and confirmed in like manner, and subject to the like provisions, as the original development scheme.

(6) The recommendations made in the report which is specified in Part I. of the First Schedule to this Act shall, for the purposes of this Part of this Act, be deemed to be a development scheme prepared by the Board, as respects a development area consisting of the South-Eastern Area as described in the said report, and confirmed by the Ministry of Commerce in accordance with the provisions of this Part of this Act.

(7) The area of supply of any authorised undertakers being the Corporation of a county borough shall not be included in a development area except with the consent of such undertakers.

Power of the Board to develop supply of electricity in development areas.

7.—(1) Upon the confirmation of a development scheme by the Ministry of Commerce, the Board shall become authorised undertakers for the supply and distribution of electricity within the whole of the development area to which the scheme relates, so far as the development area is not at the date of confirmation of the scheme situate in the area of supply of any authorised undertakers.

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A.D. 1931.

(2) Where, in pursuance of sub-section (1) of this section, the Board become the authorised undertakers for a development area or parts thereof, the Board shall, within one year from the date of confirmation of the development scheme, and within each succeeding period of three years or at such other times as the Ministry of Commerce may require, submit to that Ministry proposals for the development of the supply of electricity for public or private purposes in those parts of the development area for which the Board are authorised undertakers and in which--

(*a*) there is a demand for a supply of electricity for those purposes ; and

(*b*) there is a reasonable prospect of such a supply being remunerative.

The Ministry of Commerce may adopt any such proposals of the Board either without modification or subject to such modifications as that Ministry thinks fit, and either generally or as respects any part of the development area specified in the proposals. As soon as any such proposals are adopted by the said Ministry it shall be the duty of the Board to carry out and give effect to the same as so adopted.

(3) The foregoing provisions of this section shall apply to the South-Eastern Area as described in the report which is specified in Part I. of the First Schedule to this Act, subject to the provisions contained in Part II. of the said Schedule.

(4) The Board shall have power to acquire, in accordance with the provisions of Part V. of this Act, the electricity undertaking of any authorised undertakers within a development area ; and the Board shall, for the purposes of any such undertaking, when acquired, have all the rights and powers, and be subject to all the obligations, of authorised undertakers under the Electricity (Supply) Acts, 1882 to 1919, as amended by or in pursuance of this Act :

Provided that the Board shall not exercise their power under this sub-section to acquire the undertaking of any authorised undertakers, not being a local authority, in any case where the undertakers represent to the Ministry of Commerce, and that Ministry determines after holding a local enquiry, that the acquisition of the undertaking

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A.D. 1931.

would not be in the interests of the consumers in such undertakers' area of supply.

Purchase by the Board of property of non-statutory undertakers.

8.—(1) Where any person or body of persons other than authorised undertakers (which person or body is in this Act referred to as "non-statutory undertakers") is supplying electricity for public or private purposes within a development area, the Board may, by one month's notice in writing, require such non-statutory undertakers to sell, and such non-statutory undertakers shall sell, to the Board, as from such date as may be specified in the notice, the lands, buildings, works, materials and plant belonging to and used by the non-statutory undertakers for the purpose of supplying electricity as aforesaid, upon terms of paying the value as at the said date of such lands, buildings, works, materials and plant, and of the goodwill of the business of the non-statutory undertakers; and the amount of the said payment shall, in default of agreement, be determined by arbitration under the provisions contained in Part V. of this Act. Where a notice is given by the Board under this section, the said lands, buildings, works, materials and plant of the non-statutory undertakers shall vest in the Board by virtue of this Act as from the date specified in the notice.

(2) Where the Board acquire the property of any non-statutory undertakers under this section the Board shall indemnify those undertakers against any claim arising under a contract subsisting immediately before the date specified in the notice given as aforesaid in respect of the supply of electricity by those undertakers to any person; and as from the said date the Board shall have the benefit arising from any such contract, and the book debts and other moneys owing to the non-statutory undertakers immediately before the said date shall, to such extent as may be agreed upon between the Board and the non-statutory undertakers, but to that extent only, be transferred to and vest in the Board.

Obligation of the Board to exercise power of purchase in certain cases.

9. Where, in a development area, the Board construct or acquire a main transmission line in, or in close proximity to, the area of supply of any authorised undertakers or the locality in which any non-statutory undertakers are supplying electricity for public or private purposes, the Board shall exercise their power under the

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A.D. 1931.

foregoing provisions of this Part of this Act to acquire the undertaking or business of the undertakers within three years after the construction or acquisition of such main transmission line as aforesaid, except in a case where an agreement to the contrary is entered into between the Board and the undertakers, or where the Electricity Commissioners for Northern Ireland (or, after the abolition of those Commissioners, the Ministry of Commerce) see good reason for directing otherwise, or where the Ministry of Commerce has come to a determination under the proviso of sub-section (4) of section seven of this Act.

Power of the Board to supply electricity pending completion of development works.

10. The Board may, before the carrying out of the works specified in a development scheme in any development area is completed, if they think fit, enter into arrangements with any authorised undertakers or power consumers in the area for giving to those undertakers or consumers, pending the completion of the works, supplies of electricity of such amount and upon such terms as may be agreed upon.

Power of the Board to lend money to undertakers.

11. Subject to the consent of the Ministry of Commerce, the Board may, out of the funds at their disposal, make advances to any authorised undertakers in a development area for the purpose of their undertaking on such terms as the Board think proper, and any such authorised undertakers, notwithstanding anything contained in the Act, order, memorandum of association or other document constituting such undertakers, may borrow money from the Board.

Transfer to the Board of rights of local authorities to purchase undertakings.

12. Where, under the Electricity (Supply) Acts, 1882 to 1919, or under any order made thereunder, or under any special or local Act, any right to purchase the whole or any part of the undertaking of any authorised distributors is vested in any local authority, then, if the distributors' area of supply is situate in a development area, the right shall by virtue of this Act be transferred to and vest in the Board, and the order or Act conferring the right shall be construed accordingly.

PART III.

POWERS GENERALLY EXERCISEABLE BY THE BOARD.

Purchase of bulk supplies of electricity.

13.—(1) As from such date as the Minister of Commerce may fix any authorised undertakers, being the

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A.D. 1931.

owners of such generating stations as may be selected by the Board with the approval of the said Minister (in this Act referred to as "selected stations"), shall be under the obligation to sell to the Board, at such price as is hereinafter mentioned, such amount of electricity as the Board may require for any purposes of this Act.

(2) Reasonable notice shall be given to any such owners of the amount of electricity from time to time required by the Board as aforesaid.

(3) The price to be paid by the Board to the owners of a selected station for electricity supplied therefrom shall, unless otherwise agreed, be the cost of production to be ascertained, allocated between fixed costs and running costs, and adjusted according to the load factor and power factor of the supply given to the Board, in accordance with the rules contained in the Second Schedule to this Act.

(4) Where the Board take a supply of electricity under this Act from any authorised undertakers being the Corporation of a county borough the Board shall, in addition to the cost of production payable by them as hereinbefore in this section provided, pay to such undertakers such charges and allowances in respect of any transmission line or part thereof used by the undertakers giving the supply for the purpose of that supply as are mentioned in the Third Schedule to this Act.

(5) Where the price to be paid for electricity by the Board is to be calculated in accordance with this section, the amount to be paid by the Board for a supply in any year shall be ascertained as soon as practicable after the end of the year of account, but the Board shall make to the owners of each selected station monthly payments on account of the amounts due from the Board to those owners under this section in accordance with estimates made for the purpose, subject to adjustment as soon after the end of the year of account as the actual liability can be ascertained.

(6) If any question between the Board and the owners of a selected station arises under this section, it shall be determined by arbitration:

Provided that, pending the determination of the question by the arbitrator, the owners of the station shall comply with any requirements which may be lawfully made by the Board.

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A.D. 1931.

(7) If the owners of any selected station are unwilling or fail to carry out their obligation under this section, the Ministry of Commerce may, by special order, empower the Board to acquire the selected station at a price to be determined in accordance with the provisions of the Fourth Schedule to this Act.

(8) Where the owners of any selected station prove to the satisfaction of the Ministry of Commerce that, having regard to the requirements of the Board, the cost of production to be incurred by such owners in their capacity as undertakers over a term of years exceeds the cost which they would have incurred had this Act not been passed, the Board shall make to those undertakers such payment and for such period as may be necessary to reduce the said cost of production to the cost which would have been incurred in the absence of a demand by the Board upon the selected station. Failing agreement as to the sum to be paid, the matter shall be determined by arbitration.

(9) Where the owners of any selected station have incurred expenditure in installing additional plant in order to meet the Board's requirements under this section and the Board subsequently discontinue or substantially reduce the purchase of electricity from that station, then the question whether compensation in respect of such discontinuance or reduction shall be paid by the Board to the said owners, and, if so, the amount of such compensation, shall, if the said owners so require, be determined by arbitration, due regard being had to the provisions of the last preceding sub-section.

(10) Notwithstanding anything in this section the owners of a selected station shall not be responsible for any interruption or stoppage or deficiency in the supply of electricity to the Board resulting from or occasioned by strike, lockout, fire, storm, riot, malicious mischief, break-down of machinery or plant, delay in delivery or non-delivery of supplies or any cause not within the control of such owners, but such owners shall be bound to restore the supply with all reasonable diligence as soon as the cause of such interruption, stoppage or deficiency shall have ceased.

Power of the Board to purchase surplus electricity.

14. The Board and any local authority, company or person producing electricity by means of the utilisation of water-power, waste heat or otherwise, may enter into

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arrangements for the purchase by the Board of any surplus electricity which the local authority, company or person may be able to dispose of on such terms as may be agreed, and the Board may be authorised by order of the Ministry of Commerce to exercise such powers (including the power to break up roads, railways and tramways) as may be necessary for the purpose of conveying the electricity so purchased.

Supply of electricity in bulk by the Board.

15.—(1) Where the Board offer to any authorised undertakers other than the Corporation of a county borough a supply of electricity in bulk at a rate of charge (including provision for any expenses necessarily incurred by such undertakers in taking such supply in bulk) which is equal to or less than the cost of the generation of a like supply of electricity by such undertakers, such undertakers shall take the said supply in bulk upon such terms and conditions as shall be determined by agreement or, in default of agreement, by the Ministry of Commerce.

(2) Any undertakers who take a supply of electricity in bulk under this section shall not be required to construct outside their area of supply any works for the purpose of taking the same, but such undertakers, if so requested by the Board, and if they consent to do so, may be authorised by order of the Ministry of Commerce to construct such works and exercise such powers (including the power to break up roads, railways and tramways) outside their area of supply as may be necessary for that purpose.

(3) If a dispute arises between any authorised undertakers and the Board as to whether the cost of generation of electricity in the generating station of the undertakers is or is not greater than the rate of charge (including provision for any expenses necessarily incurred by the undertakers in taking the supply in bulk) at which a supply of electricity in bulk is offered under this section to the undertakers, such dispute shall be determined by arbitration.

(4) In this section the expression "cost of generation" means all costs incurred by the undertakers which, having regard to the items of cost included in the rate of charge offered by the Board for a supply of electricity in

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A.D. 1931.

bulk, ought properly to be allocated to those parts of the undertaking engaged in the production of electricity.

Closing of generating stations.

16.—(1) Where it appears to the Board that it is expedient that a generating station, not being a selected station, belonging to any authorised undertakers other than the Corporation of a county borough should wholly or in part cease to be used as a generating station, and—

(*a*) a sufficient supply of electricity can be supplied to the undertakers by the Board, and

(*b*) the undertakers can be required under this Part of this Act to take such supply,

the Board may by order require such undertakers, within such time as the Board may specify in such order (not being less than three months from the date thereof) to cease to use such generating station as a generating station either wholly or to such less extent as is specified in such order, and the Board shall under the powers conferred on them by this Part of this Act require such undertakers to take the supply of electricity available as aforesaid.

When any authorised undertakers are required by an order under this section to cease, in part only, to use a generating station as a generating station, the subsequent provisions of this section shall apply with the modification that references to ceasing to use a generating station as a generating station shall be construed as including such partial cesser as is required.

(2) When any authorised undertakers, in pursuance of an order made under this section, cease to use a generating station as a generating station those undertakers—

(*a*) may, with the consent of the Board, and shall if so required by the Board, maintain the generating station or any part thereof for the purposes of the Board, and at the expense of the Board, which expense shall be taken into consideration in fixing the rates of charge for electricity for all areas for the service of which such generating station is maintained; and

(*b*) may with the consent of the Board do all or any of the following things, that is to say:—

(i) sell any machinery or plant theretofore used in the generating station;

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(ii) sell the generating station or any part thereof;

(iii) utilise the generating station, with or without all or any of the plant theretofore used therein, in such manner as the undertakers think proper.

(3) When any authorised undertakers sell any generating station or any machinery or plant under this section, the proceeds of such sale shall be applied in accordance with the Acts or orders regulating the undertaking, or, if such Acts or orders do not contain provisions applicable to the case, in such manner as the Ministry of Commerce, after consultation with the Board, may approve.

(4) When any authorised undertakers, in pursuance of an order under this section, cease to use a generating station, the provisions of Part V. of this Act with respect to compensation for deprivation, or alteration of terms, of employment shall apply to the persons who at the date of such order were employed by the undertakers in the generating station.

Duty of the Board to supply electricity to power users.

17.—(1) The Board shall supply electricity to any company, body or person, other than authorised undertakers, requiring a supply of electricity for power (in this section referred to as a "power user"), if such power user undertakes to enter into a contract with the Board, giving such security as the Board may require, to take or continue to receive and to pay for a supply of electricity upon terms and conditions affording an adequate return to the Board.

(2) Failing agreement between the Board and any power user, the terms and conditions for a supply of electricity under this section shall be fixed by an arbitrator appointed under the provisions of this Act. In determining what terms and conditions will afford an adequate return to the Board the arbitrator shall have regard to the following, amongst other considerations:—

(i) The period for which the power user guarantees to take the supply;

(ii) The amount of electricity and the maximum power required;

(iii) The hours during which the Board are to be called upon to give the supply;

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A.D. 1931.

(iv) The amount of capital expenditure which would be required to be incurred by the Board in connection with the supply;

(v) The extent to which capital expenditure in connection with the supply may become unproductive to the Board upon the discontinuance of the supply.

(3) The Board shall not supply electricity under this section to a power user in any area which for the time being forms part of the area of supply of any authorised undertakers, except with the consent of those undertakers:

Provided that, where any authorised undertakers, not being the corporation of a county borough, refuse or withhold such consent, the Board may appeal to the Ministry of Commerce as to whether the consent of such authorised undertakers is unreasonably refused or withheld, and the Ministry of Commerce may dispense with such consent if, in the opinion of that Ministry, it is unreasonably refused or withheld, and for the purposes of this proviso a consent shall be deemed to be unreasonably refused or withheld if the authorised undertakers are not willing and able to give the requisite supply upon reasonable terms and within a reasonable time, having regard, amongst other things, to the terms upon which and the time within which the Board are willing and able to give a supply.

(4) The Board shall not be under an obligation to supply electricity under this section to a power user in any area or part of an area, until the Board have given public notice, as respects that area or part thereof, that they are in a position to supply electricity.

Constitution of the Board as undertakers for certain areas.

18.—(1) The Board may, in respect of any area not being situate in the area of supply of any authorised undertakers, apply to the Ministry of Commerce for a special order authorising the Board to supply electricity for public or private purposes within such first-mentioned area under the Electricity (Supply) Acts, 1882 to 1919, as amended by or in pursuance of this Act, and the said Ministry may make such order.

(2) The Board may acquire, by agreement, the electricity undertaking of any authorised undertakers, and the Board shall, for the purposes of any such under-

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A.D. 1931.

taking, when acquired, have all the rights and powers, and be subject to all the obligations, of authorised undertakers under the Electricity (Supply) Acts, 1882 to 1919, as amended by or in pursuance of this Act.

Acquisition of land by the Board.

19.—(1) The Board may acquire land or any easements or other rights in or over land by agreement, or may be authorised to acquire land or any such right compulsorily for the purpose of any of their powers and duties under this Act in like manner as a local authority, being authorised undertakers, may acquire or be authorised to acquire land under the Electricity (Supply) Acts, 1882 to 1919, for the purpose of a generating station, and those Acts and the Acts incorporated therewith shall apply accordingly, and the Board shall be deemed to be a public authority for the purposes of the Acquisition of Land (Assessment of Compensation) Act, 1919.

9 & 10 Geo. 5 c. 57.

(2) Nothing in this section shall authorise the compulsory acquisition by the Board of land held by the owners or lessees of any railway, canal, inland navigation, dock or harbour for the purposes of their undertaking or enable the Board to acquire compulsorily any easement or other right in or over such land otherwise than in accordance with the provisions with respect to wayleaves contained in Part VI. of this Act.

Acquisition and use of main transmission lines.

20.—(1) The Board may, for the purpose of any of their powers or duties under this Act, acquire any main transmission line belonging to any authorised undertakers. Where the Board propose to acquire a main transmission line otherwise than by agreement, they shall give notice accordingly to the undertakers, and the transmission line shall, on such notice being given, vest in the Board upon an order to that effect being made by the Ministry of Commerce, and the price to be paid to the undertakers for the same shall be determined in accordance with the Fourth Schedule to this Act.

(2) Where the Board have acquired a main transmission line as aforesaid, and by reason of the user thereof by the Board the alteration or replacement of switch gear or other apparatus of any authorised undertakers connected with the line becomes necessary, the Board shall defray the reasonable expenses incurred by the undertakers in effecting such alteration or replacement, and any

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A.D. 1931.

question as to whether such alteration or replacement is necessary, or as to the expenses thereof, shall in default of agreement be determined by arbitration.

(3) The Board may by agreement with any authorised undertakers or other person use, subject in the case of authorised undertakers to the Acts and orders relating to the undertakers, any main transmission lines of those undertakers or persons for such time and upon such terms as may be agreed upon.

(4) Where any part of a main transmission line belonging to the Board is situate within the area of supply of any authorised undertakers being the corporation of a county borough, those undertakers may enter into an agreement with the Board for the use of the said line in connection with the supply of electricity by those undertakers within such area.

(5) Nothing in this section shall authorise the Board to acquire any main transmission line belonging to any authorised undertakers being the Corporation of a county borough and situate within their area of supply without the consent of such undertakers.

Powers of the Board as to electric fittings.

21.—(1) Subject to the provisions of this section the Board may provide, sell or let on hire, but shall not manufacture, electric lines, fittings, apparatus and appliances for lighting, heating and motive power, and for all other purposes for which electricity can or may be used (in this section called "electric fittings") and may install, connect, repair, maintain and remove the same and with respect thereto may demand and take such remuneration or rents and charges and may make such terms and conditions as may be agreed upon.

(2) The exercise of the powers of sub-section (1) of this section shall be subject to the following restrictions:—

(*a*) The Board shall not sell electric fittings except—

(i) to a consumer or a person who intends to be a consumer of electricity supplied by them, or

(ii) to a person who, being engaged in the business of selling and installing electric fittings, requires such fittings to enable

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him to supply them to a person who is or intends to be a consumer of electricity supplied by the Board;

(*b*) The Board shall so adjust the charges to be made by them under the said sub-section as to meet any expenditure incurred by them in the exercise of the powers thereof (including interest upon and sinking fund charges in respect of money borrowed for the purposes of the said sub-section).

(*c*) The prices charged by the Board for the sale of any electric fitting shall not be less than the recognised retail prices unless the sale is to a person engaged in the business of selling and installing electric fittings, in which case the prices shall not be less than the recognised trade prices.

(3) The Board may maintain shops and showrooms for the display, sale and hire of electric fittings and conduct displays, exhibitions and demonstrations of electric fittings, and generally do all things (including advertising) incidental to the provision, sale and letting on hire of electric fittings and the promotion and encouragement of the use of electricity.

(4) The Board may borrow money under Part IV. of this Act for the purposes of this section.

Entry on land for surveys and other preliminary purposes.

22. The Board, or any person authorised by the Board, shall be entitled at all reasonable times to enter upon any land or premises and there to do such acts and things as may be reasonably necessary for the purpose of any survey, examination or investigation preliminary or incidental to the exercise of any power, or the performance of any duty, of the Board under this Act or a development scheme under Part II. of this Act:

Provided that the Board shall pay reasonable compensation for any injury caused by such entry or by doing as aforesaid.

Power of the Board to require information.

23. The Board may require any company or person supplying electricity for public or private purposes to give to the Board such information relating to such supply, and the accounts in respect thereof, as the Board consider necessary, and any company, and any director

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A.D. 1931.

or officer of such company, or person who on being required to do so fails without reasonable excuse to give to the Board such information as aforesaid shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding five pounds.

Relation of charges to dividends.

24. Where any company, being authorised undertakers, receive a supply of electricity in bulk from the Board, the Ministry of Commerce may, if, having regard to any change in the cost of electricity to the company attributable to this Act, the said Ministry thinks it expedient, by a special order under section twenty-six of the Electricity (Supply) Act, 1919, make provision as to the relation between the charges to be made for electricity supplied to consumers and the dividends to be paid or profits earned by the company, and the order shall have effect as if the provisions contained therein were in substitution for the provisions (if any) contained in the Act or order relating to the undertaking of the company as to the relation of charges to dividends or profits :

9 & 10 Geo. 5 c. 100.

Provided that, where any such company carries on two or more separate undertakings, one or more of which receives a supply of electricity in bulk from the Board, any such order of the said Ministry shall regulate the charges to be made for electricity in the case of the undertaking or each of the several undertakings receiving such a supply in relation to the divisible profits on the capital attributable to that undertaking.

PART IV.

FINANCIAL PROVISIONS.

Expenses of the Board.

25. All sums received by the Board shall be paid into a separate fund, and out of that fund the salaries, fees and allowances of the members of the Board (including superannuation allowances and gratuities in the case of whole-time members, if any) and the salaries, remuneration, superannuation allowances and gratuities of the officers and servants of the Board, and all expenses incurred by the Board, shall be paid, including repayment by the Board to the Exchequer of Northern Ireland of the principal of and interest on advances made to the Ministry of Commerce under sub-section (4) of section one of the Electricity (Interim Supply) Act (Northern Ireland), 1930.

20 & 21 Geo. 5 c. 21.

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A.D. 1931

Rates and scales of charges for electricity, etc.

26. All charges made by the Board for electricity sold by them in bulk or direct to consumers, and for services rendered by the Board, shall be fixed at such rates and on such scales that the revenue derived in any year by the Board from such sales and services, together with their revenue (if any) in such year from other sources, will be sufficient and only sufficient, as nearly as may be, to pay all salaries, working expenses and other outgoings of the Board properly chargeable to income in that year (including the payments falling to be made in such year by the Board in respect of the interest on, or repayment of, the principal of any money borrowed by the Board and provision for the redemption of stock issued by the Board under this Part of this Act), and such sums as the Board may think proper to set aside in that year for reserve fund, extensions, renewals, depreciation, loans and other like purposes.

The charges under this section may, if the Board think fit, be fixed at different rates and scales for different localities, but so that no undue preference shall be given to any locality.

Power of the Board to borrow

27.—(1) For the purposes hereinafter mentioned, the Board may, with the consent of the Ministry of Commerce and subject to regulations to be made by that Ministry with the approval of the Ministry of Finance, borrow money in such manner and subject to such provisions as to the repayment thereof, and with such powers as to re-borrowing for the purpose of paying off a loan previously raised, as may be prescribed by the regulations, and the regulations may empower the Board to borrow temporarily by the issue of bonds or otherwise, and to make arrangements with bankers, and may apply, with or without modifications, any enactments relating to borrowing by local authorities, including provisions as to the enforcement of the security by the appointment of a receiver or otherwise.

(2) Such powers of borrowing as aforesaid may be exercised for all or any of the following purposes:—

(*a*) The construction or acquisition of such works as the Board are authorised by this Act to construct or acquire;

(*b*) Any permanent work or other thing which the Board are authorised to execute or do, the cost of which ought in the opinion of the Ministry of

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A.D. 1931.

Commerce to be spread over a term of years, including the payment of interest on money borrowed for capital expenditure for such period as may be determined by the Ministry of Commerce, after consultation with the Ministry of Finance, to be the period during which the expenditure remains unremunerative;

(*c*) The provision of working capital;

(*d*) Any other purpose for which the Board are under this Act authorised to borrow.

(3) Any money borrowed by the Board and the interest thereon may be charged on the undertaking and all the revenues of the Board, or on any specific property forming part of that undertaking, and shall be repaid within such period, not exceeding sixty years, as the Ministry of Commerce may determine.

(4) The maximum amount which may be borrowed by the Board, otherwise than for the purpose of paying off loans previously raised, shall be one million pounds:

Provided that the said maximum amount may be increased by a sum of five hundred thousand pounds if the Ministry of Commerce, after consultation with the Ministry of Finance, so directs.

(5) It shall be lawful for any annual provision required to be made by the Board for the repayment of money borrowed for any of the purposes of this Act to be suspended, whilst the expenditure out of such moneys remains unremunerative, for such period and subject to such conditions as the Ministry of Commerce, after consultation with the Ministry of Finance, may determine:

Provided that such suspension shall not be for a longer period than five years from the commencement of the financial year next after that in which such expenditure is incurred.

Power of the Board to issue stock.

28.—(1) The Board may, for the purpose of raising money which they are authorised to borrow under this Act, issue stock to be called "Northern Ireland Electricity Stock."

(2) All such stock and interest thereon shall be charged on the undertaking and on all the revenues of the Board.

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A.D. 1931.

(3) Subject to the provisions of this Act, any stock created by the Board under the powers of this Act shall be issued, transferred, dealt with and redeemed according to regulations made by the Ministry of Commerce with the approval of the Ministry of Finance, and any such regulations may apply for the purpose of this section, with or without modifications, any provisions of the Government Loans and Exchequer Provisions Act (Northern Ireland), 1925, the Public Health Acts Amendment Act, 1890, and the enactments amending those Acts, or of any Act relating to the issue of stock by local authorities.

15 & 16 Geo. 5, c. 17.
53 & 54 Vict., c. 59.

Power of Ministry of Finance to guarantee loans to the Board

29.—(1) Subject to the provisions of this section, the Ministry of Finance may guarantee in such manner as that Ministry thinks fit the payment of the interest and principal of any loan proposed to be raised by the Board, or of either the interest or the principal:

Provided that any guarantee given under this section shall cease to be in force on the expiration of a period of five years from the date of the establishment of the Board.

(2) Such sums as may from time to time be required by the Ministry of Finance for fulfilling any guarantees given under this section shall be charged on and issued out of the Consolidated Fund of Northern Ireland or the growing produce thereof.

(3) The repayment to the Ministry of Finance of any sums so issued out of the Consolidated Fund of Northern Ireland, together with interest thereon at such rate as the Ministry of Finance may fix, shall be a charge on the undertaking and all the revenues of the Board next after the principal and interest of the guaranteed loan and any sinking fund payments for repayment of the principal thereof, and in priority to any other charges not existing at the date on which the loan is raised.

(4) All sums paid from time to time in or towards repayment of any sum issued out of the Consolidated Fund of Northern Ireland under this section shall be paid into the Exchequer of Northern Ireland.

(5) The Ministry of Finance shall, so long as any such guarantees are in force, lay before both Houses of Parliament in every year within one month after the

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A.D. 1931.

thirty-first day of March a statement of the guarantees (if any) given during the year ended on that date, and an account up to that date of the total sums (if any) which have been either issued out of the Consolidated Fund of Northern Ireland under this section or paid in or towards repayment of any money so issued.

Accounts and audit.

30.—(1) The Board shall cause proper accounts and books in relation thereto to be kept, and shall prepare an annual statement of account in such form and containing such particulars as may be prescribed by the Ministry of Commerce.

(2) The accounts of the Board and their officers shall be audited by an auditor or auditors appointed by the Ministry of Commerce, and the audit shall be conducted in accordance with such regulations as may be prescribed by the said Ministry.

(3) As soon as the accounts of the Board have been audited, the Board shall send a copy thereof to the Ministry of Commerce together with a copy of any report of the auditor thereon, and shall publish the accounts in such manner as the Ministry of Commerce may direct, and shall place copies thereof on sale at a price not exceeding one shilling a copy.

(4) The auditors' fees and any expenses of the audit shall be paid by the Board.

PART V.

PROVISIONS AS TO ACQUISITION OF UNDERTAKINGS, ARBITRATION AND COMPENSATION.

Procedure on acquisition of authorised undertaking by the Board.

31.—(1) Where the Board propose to acquire the undertaking of any authorised undertakers in exercise of the powers conferred upon the Board by Part II. of this Act as respects a development area, the Board shall send or deliver to the undertakers a notice in writing (in this Act referred to as "the notice of acquisition") of the said proposal specifying the date on which the Board propose to acquire the undertaking (in this Act referred to as "the date of acquisition").

(2) The Board shall on the date of acquisition become the authorised undertakers under the Electricity (Supply) Acts, 1882 to 1919, as amended by this Act, for the area of supply of the former undertakers, and for

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A.D. 1931.

that purpose shall, on or before the date of acquisition, make an order (in this Act referred to as a "vesting order") having as from that date such operation as is hereinafter in this section provided.

(3) The vesting order shall operate as follows:—

(*a*) so as to transfer to and vest in the Board free from all charges and incumbrances all the property and assets of the former undertakers owned and used by those undertakers (including property out on loan or hire to consumers) at the date of the vesting order for the purposes of the undertaking; and

(*b*) so as to transfer to and vest in the Board all book debts and other moneys owing to the former undertakers on account of the undertaking at the date of the vesting order and the right to sue for, recover and give receipts for such debts and moneys; and

(*c*) so as to transfer to the Board the rights and liabilities of the former undertakers under any contract in respect of a work in connection with the undertaking which is in course of construction, extension or repair at the date of the vesting order; and

(*d*) so as to impose on the Board the liability for, and obligation to indemnify the former undertakers against, such of the debts and liabilities of the former undertakers at the date of the vesting order as may be transferred to the Board by or in pursuance of the next following section of this Act.

Provision as to purchase price of undertaking or property.

32.—(1) Where, in the case of an undertaking acquired by the Board from authorised undertakers, the former undertakers are a local authority, the acquisition shall be on the following terms:—

(*a*) No purchase price shall be payable to the local authority;

(*b*) The debts and liabilities of the local authority as former undertakers shall be transferred to the Board by virtue of the vesting order;

(*c*) If the local authority so require, the Board shall recoup to them any sums which before the date of acquisition have been raised for

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A.D. 1931.

the purposes of the undertaking by means of any local rate and have not been made good to the general funds of the local authority out of the revenues of the undertaking;

(*d*) Nothing in the foregoing provisions shall affect the security for any loan borrowed by a local authority as former undertakers, but any such loan shall not be reckoned as part of the total debt of the local authority for the purposes of sub-section (3) of section two hundred and thirty-eight of the Public Health (Ireland) Act, 1878.

41 & 42 Vict., c. 52.

(2) Where, in the case of an undertaking acquired by the Board from authorised undertakers, the former undertakers are not a local authority, the purchase price at which and terms upon which the undertaking is to be acquired by the Board shall, in default of agreement, be determined by arbitration under the provisions hereinafter in this Part of this Act contained; and, to such extent as may be agreed upon or determined by arbitration as aforesaid, but to that extent only, the debts and liabilities of the former undertakers shall be transferred to the Board by virtue of the vesting order.

(3) In determining the purchase price to be paid for the acquisition of an undertaking from authorised undertakers who are not a local authority, the arbitrator shall have regard to the following amongst other considerations, and to the bearing of any such consideration upon the others, namely:—

(*a*) The fair market value at the date of acquisition of all lands, buildings, works, materials and plant of the undertakers suitable to and used by them for the purposes of their undertaking, due regard being had to the nature and condition of such buildings, works, materials and plant and to the state of repair thereof, and to the circumstance that they are in such a position as to be ready for immediate working, and to the suitability of the same for the purposes of the undertaking, and, where a part only of an undertaking is purchased, to any loss occasioned by severance;

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(*b*) The value of the goodwill as indicated by the trading results of the undertaking (or part of the undertaking acquired) shown by the audited accounts after such adjustment in the sums charged in the said accounts in respect of fees or other emoluments of directors or partners, and in respect of depreciation of assets, as the arbitrator may deem just and equitable;

(*c*) The reasonableness of the rates of charge made for the supply of electricity to consumers;

(*d*) The provisions of any Act of Parliament, provisional order or special order empowering a local authority to require the former undertakers to sell their undertaking to such local authority.

(4) Sub-section (3) of this section shall apply, with the necessary modifications, in a case where, under Part II. of this Act, the value of any property acquired by the Board from non-statutory undertakers within a development area, and the goodwill of the business of such undertakers, is required to be determined by arbitration.

(5) Where the purchase price of any undertaking or the amount of any other sum is determined by arbitration in accordance with the provisions of this section, the Board shall pay interest at the rate of five pounds per cent. per annum upon such purchase price or other sum, from the date of acquisition (or the date specified in the notice of purchase, as the case may be) until the date of payment by the Board of such purchase price or other sum. Such purchase price or other sum shall be paid within two months after the prescribed notice of the arbitrator's award is given or, if there is an appeal, within two months after the decision of the county court.

Provisions as to arbitration.

33.—(1) For the purpose of determining by arbitration the purchase price of an electricity undertaking acquired by the Board from authorised undertakers who are not a local authority and the terms upon which such undertaking is to be acquired, or the value of the property acquired by the Board from any non-statutory undertakers and the goodwill of their business, or any other matter required to be determined by an arbitrator

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A.D. 1931.

appointed under the provisions of this Act, the following provisions shall have effect:—

(*a*) A panel of arbitrators shall be set up by the Attorney General for Northern Ireland, consisting of practising barristers of not less than ten years standing;

(*b*) The matter in question shall be referred to the arbitration of such one of the arbitrators on the said panel as may be agreed upon between the undertakers and the Board or, in default of agreement, appointed by the Minister of Commerce;

(*c*) The arbitrator may, in any case in which he thinks it expedient to do so, call in the aid of one or more qualified assessors and hear the matter wholly or partly with the assistance of any such assessors;

(*d*) The arbitrator shall have power to adjourn the arbitration as he thinks fit and to inspect and examine and for that purpose to enter upon any lands and premises in relation to which the arbitration is held;

(*e*) The arbitrator shall have power—

(i) by summons under his hand, to require to appear before him any persons whomsoever and to examine them upon oath or otherwise touching any matter relating to the purposes of the arbitration;

(ii) by any such summons to require any officer of, or acting under, the former undertakers or the Board, to produce before him any books or documents which may, by reason of his office, be in the custody or control of such officer touching any matter relating to the purposes of the arbitration;

(iii) to examine, inspect or take copies of, or extracts from, any such books or documents.

Any person who wilfully disobeys the summons of the arbitrator, or prevents the arbitrator from examining, inspecting or taking copies of or extracts from books or documents under this provision, or refuses to answer any questions put to him by the arbitrator, shall be guilty of an offence and liable on summary conviction

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to a penalty not exceeding five pounds for every such offence : Provided that a person shall not be required to attend before the arbitrator in obedience to any summons unless the reasonable expenses of his attendance have been tendered to him ;

(*f*) The arbitrator shall have power, in his discretion, to award to any party to the arbitration all or any of the costs and expenses of that party in relation thereto and to direct that the same shall be paid by any other party to the arbitration, and shall have power to fix the amount of any costs and expenses so awarded ;

(*g*) The expenses of the arbitration, including the fee to be paid to the arbitrator according to such scale as the Ministry of Commerce, with the approval of the Ministry of Finance, may prescribe, shall be borne and paid as the arbitrator directs ;

(*h*) Notice of the arbitrator's award shall be given to the undertakers and the Board in such manner and within such time as the Ministry of Commerce may by regulations prescribe.

(2) Where the undertakers or the Board are dissatisfied with the amount of any sum which the arbitrator has awarded to be paid by the Board to the undertakers, the party dissatisfied may appeal to the county court having jurisdiction where the property to which the arbitration relates is situate on the question of the proper amount to be paid, and the decision of that court shall be final and conclusive : Provided that no such appeal shall lie unless the party dissatisfied has given notice in writing to the other party of the intention to appeal within twenty-one days after the date on which the prescribed notice of the arbitrator's award is given.

Rules of court regulating the procedure and costs of appeals under this sub-section may be made by the authority having power to make rules and orders for regulating the practice of the civil bill courts.

(3) Any matter by this Act directed to be determined by arbitration, other than matters to which sub-section (1) of this section applies, shall be determined in manner provided by section twenty-eight of the Electric Lighting Act, 1882.

45 & 46 Vict., c. 56.

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A.D. 1931

Power to discharge purchase price by issue of stock, etc.

34. The Board may, with the consent of the undertakers concerned, discharge the whole or any part of the purchase price payable under this Act to any authorised undertakers in respect of any undertaking or part thereof or any generating station or main transmission line, or to any non-statutory undertakers in respect of any property or goodwill, acquired by the Board under this Act, by the issue to, or the creation in favour of, the undertakers of such amount of stock or other securities as may be agreed upon to be equivalent in value to the whole or part of the purchase price in respect of which the stock or other securities are issued or created.

Provisions as to transfer of officers to the Board.

35.—(1) Where a vesting order is made by the Board as respects any undertaking, every person to whom this section applies and who, immediately before the date of acquisition, was in the regular employment of the former undertakers in relation to the undertaking and was in such employment before the ninth day of May, nineteen hundred and thirty, shall on the date of acquisition (unless such person otherwise elects) become an officer or servant of the Board upon the same terms as on the ninth day of May, nineteen hundred and thirty, applied to the employment of such person by the former undertakers, with such increases of salary and other benefits as may before the date of acquisition have accrued to him from those terms by effluxion of time, and such further increases of salary and other benefits as may have been conferred upon him by the former undertakers after the ninth day of May, nineteen hundred and thirty, and be approved by the Ministry of Commerce.

(2) Where a vesting order is made as aforesaid, a person who, immediately before the date of acquisition, was in the regular employment of the former undertakers in relation to the undertaking and was first so employed on or after the ninth day of May, nineteen hundred and thirty, shall, on the date of acquisition, become an officer or servant of the Board upon the same terms and conditions as immediately before the date of acquisition applied to the employment of such person by the former undertakers:

Provided that this sub-section shall not apply to any person unless his employment by the former undertakers in relation to the undertaking, and the

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A.D. 1931.

terms and conditions upon which he was so employed immediately before the date of acquisition, are approved by the Ministry of Commerce.

(3) If any question arises under this section as to whether any person—

(*a*) is a person to whom this section applies, or

(*b*) was at any date in the regular employment of the former undertakers, or

(*c*) was employed in relation to the undertaking of the former undertakers,

that question shall be determined by the Ministry of Commerce, whose decision shall be final.

(4) In this section the expression "conditions" includes conditions as to the grant of any pension or superannuation allowance.

(5) This section applies to any person whose whole time was devoted to the duties of his office or service under the former undertakers in relation to the undertaking.

Compensation for deprivation or alteration of terms of employment.

36.—(1) If after the ninth day of May, nineteen hundred and thirty, and within three years from the date of the happening of any of the following events, namely:—

(*a*) The acquisition of the undertaking of any authorised undertakers by the Board under Part II. of this Act;

(*b*) The cesser, in pursuance of an order of the Board under Part III. of this Act, to use a generating station belonging to authorised undertakers;

(*c*) The acquisition of a main transmission line belonging to any authorised undertakers by the Board under Part III. of this Act;

any officer or servant of the authorised undertakers who has, before the said ninth day of May, been regularly employed in or about their undertaking proves to the satisfaction of a referee or a board of referees appointed by the Minister of Finance that in consequence of any such event as aforesaid such officer or servant—

(i) has suffered loss of employment, or diminution of salary, wages or emoluments, otherwise than on grounds of misconduct, incapacity, or superannuation; or

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A.D. 1931

(ii) has relinquished his employment in consequence of being required to perform duties such as were not analogous or were an unreasonable addition to those which before the said ninth day of May such officer or servant has been required to perform; or

(iii) has been placed in any worse position, as compared with his position on the said ninth day of May, in respect to the conditions of his service (including tenure of office, remuneration, gratuities, pension, superannuation, sick or other fund, or any benefits or allowances, whether obtaining legally or by customary practice);

and the Board or (upon the happening of one of the events mentioned in paragraph (*b*) or (*c*) of this subsection) the undertakers, do not show to the satisfaction of the referee or board of referees appointed by the Minister of Finance that equivalent employment, on the like conditions as those obtaining with respect to such officer or servant on the said ninth day of May, was available, then there shall be paid to him by the Board or the undertakers such compensation as the referee or board of referees may award, together with any expenses which the officer or servant necessarily incurs in removing to another locality.

(2) In the case of an officer or servant employed on an annual salary, any compensation to be awarded under this section shall be based on but not exceed the amount which would have been payable to a person on abolition of office under the Superannuation Acts, 1834 to 1892, and the rules thereunder.

(3) This section shall not apply to any officer of a local authority being authorised undertakers, if he is an officer to whom section eight of the Local Government (Ireland) Act, 1919 (as amended by sub-section (2) of section sixty-eight of the Government of Ireland Act, 1920) applies, and who is removed from or resigns his office in circumstances entitling him to an allowance under the said section eight:

9 & 10 Geo. 5 c. 19.

10 & 11 Geo. 5 c. 67.

Provided that, where such removal or resignation takes place upon the acquisition of the undertaking of a local authority, the question whether the Board shall recoup to that authority the whole or any part of any

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allowance payable by that authority under the said section eight may be referred for determination to the referee or board of referees appointed under sub-section (1) of this section.

(4) Section sixteen of the Electricity (Supply) Act, 1919, shall cease to have effect.

PART VI.

AMENDMENTS OF THE ELECTRICITY (SUPPLY) ACTS.

Wayleaves.

37.—(1) Any authorised undertakers may, subject to the provisions of this section, place any electric line above or below ground across any land.

(2) The powers of authorised undertakers under this section shall be exercised in accordance with the following provisions:—

(*a*) Before placing an electric line across any land the undertakers shall serve upon the owner and upon the occupier of the land a notice in writing stating their intention so to place the line, and giving a description of the nature of the line and of the position and manner in which it is intended to be placed;

(*b*) If within fourteen days after the service of the notice the owner and the occupier of the land give their consent to the placing of the line in accordance with the notice, either unconditionally or on terms or subject to conditions acceptable to the undertakers, the undertakers may proceed to place the line across the land in the position and manner stated in the notice;

(*c*) If the owner or occupier of the land refuses or within the said fourteen days fails to give his consent as aforesaid the undertakers may, with the consent of the Ministry of Commerce but not otherwise, place the line across the land in the position and manner stated in the notice;

(*d*) A notice under this sub-section may be served upon the owner or occupier of any land by delivering it to him, or by leaving it or forwarding it by post addressed to him at his usual or last known place of abode and may be

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A.D. 1931.

addressed to the "owner" or "occupier" of the lands (naming them) without further name or description.

(3) Where any authorised undertakers have, under any terminable agreement or arrangement made whether before or after the passing of this Act, placed any electric line across any land, those undertakers may, notwithstanding the termination of such agreement or arrangement, but subject to the provisions of this section, retain the line across the land in the same position as during the continuance of the said agreement or arrangement.

(4) The owner or the occupier of any land across which an electric line is or could be retained under this section after the termination of an agreement or arrangement may, by notice in writing served upon the authorised undertakers within two months before or at any time after such termination, object to the retention of the line across the land, and thereupon it shall not be lawful for the undertakers to retain the line across the land without the consent of the Ministry of Commerce.

(5) Where any undertakers are authorised by or under this section to place or retain any electric line across any land, the undertakers may at any time enter on the land for the purpose of placing, repairing or altering the line.

(6) Where any authorised undertakers have, in pursuance of powers conferred on them under this section, erected on any land supports for an electric line above ground the undertakers shall, for the purposes of section eight of the Mines (Working Facilities, Support, &c.) Act (Northern Ireland), 1926, be deemed to be persons having an interest in the land on which such supports are erected.

16 & 17 Geo. 5 c. 9.

(7) Nothing in this section shall make it lawful for any authorised undertakers to place any electric line—

(*a*) across, along, over or under any canal, inland navigation, navigable river, dock or harbour, without the consent of the Ministry of Commerce; or

(*b*) across, along, over or under any land, without the consent also of the Board of Trade in a case where that consent is required to be

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obtained by virtue of sub-section (2) of section two of the Northern Ireland (Miscellaneous Provisions) Act, 1928. 18 & 19 Geo. 5 c. 24.

(8) Where under this section the consent of the Ministry of Commerce is required to the placing or retention of an electric line across any land, the said Ministry may, if, after giving to all parties concerned an opportunity of being heard, the said Ministry thinks just, give its consent either unconditionally or on such terms and subject to such conditions and stipulations as it thinks just; and the said Ministry in deciding whether to give or withhold its consent, or to impose any terms, conditions or stipulations (including the placing of any portion of the line underground), shall among other considerations have regard to the effect (if any) on the amenities or value of the land of the placing of the line in the position and manner proposed.

(9) Section fourteen of the Schedule to the Electric Lighting (Clauses) Act, 1899, so far as it relates to the Postmaster-General, shall be incorporated with this section and shall apply to the execution of any works which will involve the placing of lines across or along any land, whether below ground or above ground, under this section in like manner as the said section fourteen applies to the execution of works which will involve the placing of lines in, under, along or across any street or public bridge. 62 & 63 Vict., c. 19.

Nothing in this section shall be construed so as to prejudice the rights of the Postmaster-General in relation to railways, canals, docks and harbours under the Telegraph Acts, 1863 to 1926, or any agreement or award made thereunder, or shall operate in such manner as to interfere with or involve additional expense in the exercise of any such rights.

(10) Nothing in this section shall authorise any undertakers to erect supports for an overhead electric line on any ground in, through or over which any easement or right is enjoyed by any public body carrying on a water undertaking, except with the consent of such public body:

Provided that such consent shall not be unreasonably withheld, and any question whether or not such consent has been unreasonably withheld shall be determined by the Ministry of Commerce.

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A D. 1931.

(11) In this section the expression "electric line" includes a main or other transmission line.

In this section references to a terminable agreement or arrangement include references to any covenant or provision for the removal of an electric line upon the happening of some specified event, and references to the termination of an agreement or arrangement shall be construed as including references to the happening of such event as aforesaid.

(12) Section twenty-two of the Electricity (Supply) Act, 1919, shall cease to have effect.

Provisions as to consent of Ministry of Commerce.

38. Where applications made by any authorised undertakers for consent to the placing of any electric line (including a main or other transmission line) above ground and wayleaves have not been agreed upon with the owners or occupiers of any land proposed to be crossed by a line, the undertakers may serve notice in accordance with the provisions of the last preceding section of this Act of their proposal to place the line, and the Ministry of Commerce may proceed concurrently under section twenty-one of the Electricity (Supply) Act 1919, and the said section of this Act.

Power to lop or fell trees and hedges obstructing electric lines.

39.—(1) Where any tree or hedge obstructs or interferes with the construction, maintenance or working of any electric line (including a main or other transmission line) which is being constructed or is owned by any authorised undertakers, or will interfere with the maintenance or working of such a line, the authorised undertakers may give notice to the owner or occupier of the land on which the tree or hedge is growing, requiring him to lop or cut it so as to prevent the obstruction or interference, subject to the payment to him by the authorised undertakers of the expenses reasonably incurred by him in complying with the notice:

Provided that—

(i) in any case where such a notice is served upon a person who, although the occupier of the land on which the tree or hedge is growing, is not the owner thereof, a copy of the notice shall also be served upon the owner thereof, if known; and

(ii) in any case where the tree or hedge is growing on land which forms part of a street maintain-

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able by a county or district council, such council shall, for the purposes of this section, be deemed to be the owner and occupier of such land.

(2) If, within fourteen days from the giving of such notice the requirements of the notice are not complied with, and neither the owner nor the occupier of the land gives such a counter-notice as is hereinafter mentioned, the authorised undertakers may cause the tree or hedge to be lopped or cut so as to prevent such obstruction or interference as aforesaid.

(3) If, within fourteen days from the giving of such notice, the owner or occupier of the land on which the tree or hedge is growing gives a counter-notice to the authorised undertakers objecting to the requirements of the notice, the matter shall, unless the counter-notice is withdrawn, be referred to the Ministry of Commerce, which Ministry, after giving to the parties an opportunity of being heard, may make such order as it thinks just, and any such order may empower the authorised undertakers (after giving such reasonable previous notice of the commencement of the work as the order may direct to any person by whom such counter-notice was given) to cause the tree or hedge to be lopped or cut so as to prevent such obstruction or interference as aforesaid, and the said Ministry may determine any question as to what compensation (if any) and expenses are to be paid.

(4) The authorised undertakers shall issue instructions to their officers and servants with a view to securing that trees and hedges shall be lopped or cut in a woodman-like manner and so as to do as little damage as may be to trees, fences, hedges and growing crops, and shall cause the boughs lopped to be removed in accordance with the directions of the owner or occupier, and shall make good any damage done to the land.

(5) Where, for the purpose of the construction or maintenance of an electric line which is a transmission line, it is necessary to fell any trees, this section shall apply to the felling of trees in like manner as it applies to the lopping of trees.

(6) This section shall apply to electric lines owned or to be constructed by a power company in like manner as it applies to lines owned or to be constructed by authorised undertakers.

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A.D. 1931

Amendments of law as to breaking up of streets, railways, etc

40.—(1) References in section thirteen of the Electric Lighting Act, 1882, and in the Schedule to the Electric Lighting (Clauses) Act, 1899, to streets which are not repairable by the local authority shall be construed as references to streets which are not repairable by the council of the county, county borough or urban district within which any such street is situate, and the enactments with respect to breaking up streets incorporated with the Electric Lighting Act, 1882, by section twelve of that Act shall have effect accordingly.

Sub-section (2) of section fourteen of the Schedule to the Electric Lighting (Clauses) Act, 1899, and in section fifteen of the said Schedule the words "including, where the area of supply is not wholly in a county borough, the county council," shall cease to have effect.

Any special Act or order relating to the supply of electricity passed or confirmed before the commencement of this Act shall have effect subject to the amendments made by this sub-section.

(2) In sub-section (3) of section thirty-two of the Electricity (Supply) Act, 1919, the words "unless it is an order made under section seven of this Act, shall be a special order and" shall cease to have effect.

Use of electricity supply for purposes of railways, etc.

41. Notwithstanding anything contained in any Act or order, electricity supplied by any authorised undertakers or power company within their area to any company or authority, being the owners or lessees of a railway, tramway, dock, harbour or canal undertaking, may be used by the company or authority receiving the supply for the purposes of haulage or traction or for lighting vehicles or vessels used on the railway, tramway, dock, harbour or canal on any part of the system of such company or authority:

Provided that such supply shall be used in such manner as not to cause or be likely to cause any interference (whether by induction or otherwise) with any telegraphic line (within the meaning of the Telegraph Act, 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of such line; but this proviso shall not apply to an undertaking or part thereof in respect of which any company or authority is authorised to use electricity by Act of Parliament, or by an order confirmed by or having the effect of an Act of Parliament, containing provisions for the protection of

41 & 42 Vict. c. 76.

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the telegraphic lines of the Postmaster-General in respect of the use of electricity. A.D. 1931.

Stand-by supplies of electricity.

42.—(1) Notwithstanding anything in the Electricity (Supply) Acts, 1882 to 1919, or in this Act or in any other Act of Parliament, or any provisional order or special order made under any such Act, a person shall not be entitled to demand or continue to receive, for the purposes of a stand-by supply only, from any authorised undertakers a supply of electricity for any premises having a separate supply of electricity or a supply (in use or ready for use for the purposes for which the stand-by supply of electricity is required) of gas, steam or other form of energy unless such person has agreed with the undertakers to pay to them such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them in providing such stand-by supply and will cover other standing charges incurred by them in order to meet the possible maximum demand for those premises. The sum to be so paid shall be determined, in default of agreement, by arbitration.

(2) Section fifteen of the Electric Lighting Act, 1909, shall cease to have effect.

Power of Local Authority to maintain showrooms and hold exhibitions etc.

43. A local authority, being authorised undertakers, may maintain showrooms for the display of electric lines, fittings, apparatus and appliances for lighting, heating and motive power, and for all other purposes for which electricity can or may be used (in this section called "electric fittings") and may conduct displays, exhibitions and demonstrations of electric fittings, and generally do all things (including advertising) incidental to the promotion and encouragement of the use of electricity.

Amendment of Schedule to 62 & 63 Vict. c. 19.

44.—(1) The Schedule to the Electric Lighting (Clauses) Act, 1899, as incorporated with any special Act or order passed or confirmed whether before or after the commencement of this Act, shall have effect subject to the following amendments:—

(*a*) In paragraph 1 of section seven of the said Schedule, for the words from "The undertakers shall carry" to the words "maximum rate of profit" there shall be substituted the following words:—

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A.D. 1931.

"The undertakers shall apply the net surplus remaining in any year, and the annual proceeds of the reserve fund when amounting to the prescribed limit—

(*a*) in reduction of the charges for the supply of energy; or

(*b*) in reduction of the capital moneys borrowed for electricity purposes; or

(*c*) with the consent of the Ministry of Commerce in payment of expenses chargeable to capital; or

(*d*) in aid of the local rate."

(*b*) In paragraph (*a*) of sub-section (1) of section fourteen of the said Schedule, after the words "one month" there shall be inserted the words "or in the case of service lines, seven days."

(*c*) Sub-section (2) of section thirty-one of the said Schedule shall cease to have effect;

(*d*) Section thirty-two of the said Schedule shall have effect as if for sub-section (2) of the said section there were substituted the following provisions:—

"Provided that if—

(*a*) the undertakers; or

(*b*) such number of consumers not less than twenty as the Ministry of Commerce considers sufficient having regard to the population of the area of supply; or

(*c*) in a case where the local authority are not themselves the undertakers, the local authority;

at any time after the expiration of three years after the confirmation of the special order make a representation to the Ministry of Commerce that the prices or methods of charge stated in the special order or approved by the said Ministry ought to be altered, the said Ministry, after such inquiry as it may think fit, may make an order varying the prices or methods of charge stated in the special order or so approved as aforesaid, or substituting other prices or methods of charge in lieu thereof, and the prices or methods of charge so varied or sub-

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"stituted shall have effect on and after such day as may be mentioned in the order as if they had been stated in the special order;

Provided also that the prices and methods of charge for the time being in force may be altered in like manner at any time after the expiration of any or every period of three years after they were last altered."

Where any authorised undertakers have before the passing of this Act obtained an order varying the prices to be charged by them, the undertakers may apply to the Ministry of Commerce for an order varying the methods of charge notwithstanding that a period of three years has not elapsed since the making of the first-mentioned order.

(2) Any special Act or order relating to the supply of electricity passed or confirmed before the commencement of this Act, which does not incorporate the provisions of the Schedule to the Electric Lighting (Clauses) Act, 1899, which are amended by this section but which contains corresponding provisions, shall have effect as if the like amendments were made in those corresponding provisions.

Methods of charge by undertakers and discounts.

45.—(1) The charge made by authorised undertakers to any ordinary consumer may, if duly authorised, and notwithstanding anything in any Act or order to the contrary, consist of a periodical fixed or service charge and, in addition, a charge for the actual quantity of energy supplied to the consumer or for the electrical quantity contained in the supply.

Where the undertakers have power to provide meters, electric lines, fittings, apparatus and appliances, the periodical fixed or service charge may include a rent, charge or remuneration in respect of any meter and any electric lines, fittings, apparatus and appliances provided by the undertakers in or upon the premises of the consumer, whether let on hire or hire-purchase terms to the consumer or otherwise.

(2) A method of charge as aforesaid may be authorised by special order or by an approval under the provisions of section thirty-one of the Schedule to the Electric Lighting (Clauses) Act, 1899, or corresponding

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A.D. 1931.

provision contained in any Act or order, and such special order or approval may provide, where expedient, for an option to ordinary consumers to be charged by an authorised alternative method.

(3) Any authorised undertakers may, if they think fit, make an allowance by way of discount not exceeding the rate of twenty per cent. on the amount due, in respect of any charges for electrical energy supplied by them, from every person who pays the same within such time after demand thereof as the undertakers think fit to prescribe in that behalf; and if and so soon as the authorised undertakers decide to allow any such discount, notice to that effect shall be contained in every demand note in respect of such charges:

Provided that all discounts shall be of equal amount in like circumstances to all consumers.

Recovery of payments due under assisted wiring agreements.

46. If any person neglects to pay any sum due from him to any authorised undertakers under an assisted wiring agreement, the undertakers may cut off and discontinue any supply of electricity afforded by them to that person, and section twenty-one of the Electric Lighting Act, 1882, shall apply accordingly.

In this Act the expression "assisted wiring agreement" means an agreement made by a consumer of electricity with the authorised undertakers supplying the same to him, whereby the consumer agrees to make a payment or series of payments to the authorised undertakers in consideration of the instalment of electric lines and fittings at premises occupied by such consumer.

Power to recover charge for reconnection.

47. Any expenses reasonably incurred by any authorised undertakers in re-connecting any electric line, or other work through which electricity may be supplied, which may have been lawfully cut off or disconnected by reason of any default of the consumer, including default under an assisted wiring agreement, may be recovered by the authorised undertakers in like manner as expenses lawfully incurred by them in such cutting off or disconnecting.

Amendment of s. 3 of 45 & 46 Vict. c. 56 as to period before granting of licences and special orders.

48. In paragraph (5) of section three of the Electric Lighting Act, 1882, the words "until after the expiration of a period of three months from the date of the first

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publication of such advertisement, nor" shall cease to have effect. A.D. 1931.

Amendment of provisions of 9 & 10 Geo. 5. c. 100, as to joint electricity authorities.

49.—(1) The provisions of the Electricity (Supply) Act, 1919, with respect to the constitution of electricity districts and the establishment, powers and duties of joint electricity authorities for electricity districts shall cease to have effect.

(2) In section nineteen of the Electricity (Supply) Act, 1919, the words "During the period between the passing of this Act and the establishment of a joint electricity authority for a district" and the words "within the locality" shall cease to have effect.

PART VII.

PROVISIONS AS TO ADMINISTRATIVE MATTERS.

Application of Electricity (Supply) Acts to the Board.

50.—(1) Subject to the provisions of this Act the Board shall be deemed to be undertakers and authorised undertakers within the meaning of the Electricity (Supply) Acts, 1882 to 1919, as amended by this Act; and this Act in relation to the Board shall be deemed to be a special Act for the purposes of the said Acts, and for the purposes of this section there shall be incorporated with this Act the provisions of the Schedule to the Electric Lighting (Clauses) Act, 1899, subject to such exceptions and modifications as may be prescribed by regulations made by the Ministry of Commerce:

Provided that section thirteen of the Electric Lighting Act, 1882 (which relates to the breaking up of private streets, railways and tramways), and sections two and three of the Electric Lighting Act, 1888 (which relate to the purchase of undertakings by local authorities), shall not apply to the undertaking of the Board, and that section twenty of the Schedule to the Electric Lighting (Clauses) Act, 1899, in its application to the Board shall have effect as if after the words "electric signalling communication" wherever they occur, there were inserted the words "or electrical control of railways."

(2) Before any such regulations are made, notice of the proposal to make the same and of the place where copies of a draft thereof can be obtained shall be published in the Belfast Gazette and in such other manner as the Ministry of Commerce thinks best adapted for ensuring publicity; and before such regulations come into force

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A.D. 1931.

they shall be laid before each House of Parliament for the statutory period, and if either House of Parliament before the expiration of that period presents an address to the Governor of Northern Ireland, no further proceedings shall be taken on such regulations.

For the purpose of this sub-section the expression "statutory period" means a period comprising five days at least on which the House in question has sat, but not being in any case shorter in duration than ten days, and days comprised in more than one session of Parliament may be reckoned for that purpose.

Provisions as to agreements, consents, etc.

51.—(1) Where under this Act the Board are authorised to enter into an agreement or arrangement with any authorised undertakers, company or person for any purpose, it shall be lawful for the said undertakers, company or person to enter into and carry into effect such an agreement or arrangement.

(2) Where the carrying into effect of any agreement or arrangement under this Act would involve any operation for which any consent or approval of the Ministry of Commerce would be necessary under the Electricity (Supply) Acts, 1882 to 1919, nothing in this Act shall relieve the Board or any authorised undertakers, company or person concerned from the necessity of obtaining such consent or approval.

(3) Where an application is made by the Board or any authorised undertakers to the Ministry of Commerce for its consent or approval under the Electricity (Supply) Acts, 1882 to 1919, in any case where such consent or approval is by those Acts required, that Ministry, in determining whether to give or withhold the consent or approval, shall have regard to the provisions of this Act and the effect of any development scheme prepared or confirmed thereunder.

Superannuation schemes for officers and whole-time members of the Board.

52. The Board may, with the approval of the Ministry of Commerce and the Ministry of Finance, establish a scheme for the payment of superannuation allowances and gratuities to any of the officers and servants of the Board and whole-time members thereof (if any) who become incapable of discharging their duties by reason of permanent infirmity of body or mind or old age upon their resigning or otherwise ceasing to hold

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A.D. 1931.

office or to serve. The scheme shall also provide for such other payments as may be authorised by sub-section (2) of this section.

(2) A superannuation scheme under this section may contain special provisions for including previous pensionable service in the service which may be reckoned for the purpose of a superannuation allowance or gratuity under the scheme, and for applying sections two and three of the Superannuation Act, 1909 (as amended by the Superannuation Act, 1914) in the case of officers, servants, or whole-time members in whose case those enactments were applicable before their transfer to or appointment on the Board.

9 Edw. 7, c. 10. 4 & 5 Geo. 5, c. 86.

In this section the expression " previous pensionable service " means service rendered (previously to his service under or on the Board) by a person who, immediately before he became an officer, servant or member of the Board, was—

(i) employed, under conditions enabling a superannuation allowance to be granted in respect of his service, by former undertakers from whom he has been transferred under Part V. of this Act, or

(ii) serving in an established capacity in the civil service of Northern Ireland.

(3) Employment under or on the Board shall be approved employment for the purposes of section four of the Superannuation Act, 1914 ; and where, in pursuance of that section, a superannuation allowance, additional allowance or gratuity is granted by the Ministry of Finance in respect of previous pensionable service, any superannuation allowance, additional allowance or gratuity which may be granted in pursuance of a scheme under this section shall be abated to the extent of the amount granted by the Ministry of Finance as aforesaid.

Provisions as to stamp duty in certain cases.

53. Where any property is transferred to the Board by virtue of this Act in accordance with a notice under Part II. thereof, or by the operation of a vesting order under the provisions of Part V. of this Act, and the former undertakers from whom the property is transferred are not a local authority, the following provisions shall have effect with respect to the payment of the stamp duty chargeable in the case of such transfer :—

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A.D. 1931.

(*a*) Such vesting order shall not be deemed to be an instrument upon which stamp duty is chargeable;

(*b*) The instrument upon which stamp duty is chargeable in the case of such transfer shall be the receipt, in such form as may be prescribed by the Ministry of Commerce, given to the Board by the former undertakers to whom the purchase money in respect of the property is paid;

(*c*) The Board shall, within three months after the date of the giving to them of such receipt, produce the same to the Ministry of Finance duly stamped with the ad valorem duty payable upon a conveyance on sale of the property for which the purchase money has been paid as aforesaid; and in default of such production the duty, with interest thereon at the rate of five per cent. per annum from the said date, shall be payable to the Ministry of Finance by the Board.

Exemption of main transmission lines from rates.

54. In making out the valuation lists under the Irish Valuation Acts, the Commissioner of Valuation shall not regard main transmission lines as hereditaments or tenements to be valued under the provisions of the said Acts, and shall not enter a valuation thereof in the valuation lists.

Transfer to the Board of property and liabilities of Ministry of Commerce under 20 & 21 Geo. 5, c 21.

55.—(1) As from the twenty-fourth day of November, nineteen hundred and thirty-one, or such earlier day as the Ministry of Commerce may appoint, any property, rights and assets acquired by, and any liabilities undertaken by or imposed on, the Ministry of Commerce, acting in pursuance of the provisions of the Electricity (Interim Supply) Act (Northern Ireland), 1930, shall, by virtue of this Act, be transferred to and vest in or attach to the Board for the purposes and subject to the provisions of this Act.

(2) The Ministry of Commerce may make all such regulations as may be necessary for carrying the provisions of sub-section (1) of this section into effect.

Provisions as to Ministry of Commerce and Electricity Commissioners.

56.—(1) As from such day as the Minister of Commerce may appoint, the Electricity Commissioners for Northern Ireland shall be abolished, and their powers

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A.D. 1931.

and duties shall be transferred to, and be exercised and performed by, the Ministry of Commerce.

(2) As from the said day—

(*a*) there shall be paid by authorised undertakers, including the Board, to the Ministry of Commerce, and applied as an appropriation in aid of moneys provided by Parliament to defray the expenses incurred by that Ministry in the exercise and performance of the powers and duties transferred to it from the said Electricity Commissioners, such annual sums as may be apportioned to the undertakers and the Board under the provisions of Part I. of the Fifth Schedule to this Act; and

(*b*) the enactments relating to the making of special orders shall have effect subject to the modifications set out in Part II. of the Fifth Schedule to this Act.

(3) The Ministry of Commerce may exercise and perform through the Board, as respects any development area within the meaning of Part II. of this Act, any of the powers and duties of the said Ministry under the Electricity (Supply) Acts, 1882 to 1919, or this Act, or the orders or regulations made under the said Acts, or under any local Act relating to the supply of electricity, or under any enactment relating to matters incidental to such supply.

PART VIII.

SUPPLEMENTAL.

Interpretation.

57.—(1) In this Act, unless the context otherwise requires—

The expression "generating station" has the meaning given thereto by section thirty-six of the Electricity (Supply) Act, 1919, and not the meaning given thereto by section twenty-five of the Electric Lighting Act, 1909:

The expression "transmission line," when used with reference to a line which is a main transmission line as defined by section thirty-six of the Electricity (Supply) Act, 1919, includes all such works as are mentioned in that definition, and, when used with

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A.D. 1931.

reference to a line which is not such a main transmission line, includes any works necessary to and used for the control of the transmission line and the transmission of electricity thereby and such buildings, or part of any buildings, as may be required to accommodate those works:

The expression "Commissioner of Valuation" means the officer to whom the Minister of Finance has, for the time being, in pursuance of sub-section (3) of section one of the Ministries of Northern Ireland Act, 1921 [N.I.], assigned, for exercise and performance, the powers and duties transferred to the Ministry of Finance from the Commissioner of Valuation and Boundary Surveyor for Ireland.

12 Geo. 5, c. 6.

(2) References in this Act to enactments of the Parliament of the United Kingdom shall be construed as references to those enactments as they apply in Northern Ireland.

Repeal.

58. The enactments set out in the Sixth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Short title, construction and citation.

59. This Act may be cited as the Electricity (Supply) Act (Northern Ireland), 1931, and shall be construed as one with the Electricity (Supply) Acts, 1882 to 1919; and those Acts and this Act may be cited together as the Electricity (Supply) Acts (Northern Ireland), 1882 to 1931.

Sections 6 (6), 7 (3).

FIRST SCHEDULE.

PART I.

Interim Report of J. M. Kennedy, M.Inst. C.E., M.I.E.E., being a Scheme of Electricity Development for the South-Eastern Area of Northern Ireland. Presented to Parliament by command of the Governor of Northern Ireland (1931.—Cmd. 122).

PART II.

PROVISIONS WITH RESPECT TO THE SOUTH-EASTERN AREA.

1. References to the date of the passing of this Act shall be substituted for references to the date of the confirmation of a development scheme.

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A.D. 1931.

2. The Board shall when submitting any proposals to the Ministry of Commerce serve a copy thereof, in the prescribed manner, upon every local authority whose district or any part of whose district is situate in the part of the development area to which the proposals relate, or who are the owners of a selected station supplying electricity to said area.

3. The Ministry of Commerce shall not adopt any proposals of the Board until the expiration of the prescribed period after the service of the copy thereof upon the local authorities mentioned in Article 2 of this Part of this Schedule :

Provided that if, at any time after service upon them of a copy of the Board's proposals, a local authority intimates to the Ministry of Commerce their concurrence in the proposals so far as the same relate to the district of such local authority, the said Ministry may thereupon proceed to adopt, and the Board may accordingly carry out and give effect to, the proposals so far as they relate to such district.

4. Any such local authority shall be entitled to make representations to the Ministry of Commerce upon the proposals of the Board, within the prescribed period after the service upon the authority of the copy of those proposals ; and the said Ministry, before adopting the proposals, shall consider any representations so made, and may, if it thinks fit, hold inquiries into the subject-matter of such representations and the proposals to which they relate.

5. In this Part of this Schedule the expression "prescribed" means prescribed by regulations of the Ministry of Commerce.

SECOND SCHEDULE.

Section 13 (3).

RULES FOR DETERMINING COST OF PRODUCTION OF ELECTRICITY.

PART I.
COST OF PRODUCTION.

The cost of production of electricity at any selected station shall be ascertained by calculating the following costs, charges and allowances in respect of the year of account :

(*a*) the sums expended for fuel, oil, water, and stores consumed, for salaries and wages, and any contributions for pensions superannuation and insurance of officers and servants, for repairs and maintenance, and for renewals not chargeable to capital account ;

(*b*) sums paid as rents, rates and taxes (other than taxes on profits) and for insurance, in respect of the station ;

(*c*) the proper proportion of management and general establishment charges attributable to the station ;

(*d*) any other expenses on revenue account attributable to the station ;

(*e*) sums paid as interest (exclusive of interest payable out of capital) on money properly expended for capital purposes (whether defrayed out of capital or revenue) and attributable

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A.D. 1931

to the generating station and the plant suitable to and used for the purpose of generating electricity therein, and interest on working capital properly attributable to the station and the production of electricity therein.

The rate of interest for the purposes of this paragraph shall be—

(i) where the owners of a selected station are a local authority, the average rate payable on the money raised by the authority for the purpose;

(ii) where the owners of the station are a company, the average rate of dividends and interest paid by the company on their share and loan capital during the preceding year; so, however, that the rate shall in no case be less than five nor more than six and a half per cent. per annum;

(*f*) an allowance for depreciation of the following amount:—

(i) where the owners of the selected station are a local authority, the equal annual sums which with the accumulations thereon at three pounds ten shillings per centum per annum would be sufficient to cover within the authorised loan periods all sums borrowed, and properly attributable to the station and the plant thereof:

Provided that where part of the expenditure was defrayed otherwise than by means of loans the allowance for depreciation shall be increased by such amount as the Ministry of Commerce thinks just;

(ii) where the owners of the station are a company, an amount determined in accordance with a scale fixed by special order;

(*g*) for the purposes of this Schedule "year of account" means the year commencing on the first day of January and ending on the next following thirty-first day of December.

PART II.

ALLOCATION AS BETWEEN FIXED COSTS AND RUNNING COSTS.

1. The cost of production, ascertained in accordance with Part I. of this Schedule, shall be allocated as between fixed costs and running costs in accordance with such regulations as may be prescribed by the Ministry of Commerce for the purpose.

2. One-twelfth of the amount of the fixed costs in the year of account, divided by the average of the monthly maximum demands in that year, shall, subject to such variations whether by way of decrease or increase as the Ministry of Commerce may by regulations prescribe, according to the magnitude of the maximum demands of supplies furnished, be the fixed kilowatt charges component.

For the purposes of this rule, the maximum demand in respect of any month shall be deemed to be twice the largest number of units of electricity supplied from the generating station during any consecutive thirty minutes starting from an hour or half-hour in that month:

Provided that, if the number of kilowatts of maximum demand so ascertained for any particular month shall be less than the number of kilowatts of maximum demand for any previous month of the same

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A.D.1931

year of account, the higher number shall be taken as the maximum demand for the first-mentioned month.

3. The amount of the running costs divided by the number of units supplied from the generating station during the year of account shall be the running charges component.

PART III.

ADJUSTMENT OF PRICE ACCORDING TO LOAD FACTOR OR POWER FACTOR, AND ASCERTAINMENT OF PRICE IN OTHER CASES.

1. If and so far as the price for a supply of electricity is under this Act to be the cost of production adjusted according to the load factor of the supply given to the Board, the adjusted price shall be the sum of the following items:—

(*a*) the number of kilowatts of maximum demand in each month of the year of account multiplied by the fixed kilowatt charges component;

(*b*) the number of units supplied to the Board during the year of account multiplied by the running charges component.

For the purposes of this rule the number of kilowatts of maximum demand for any month shall be deemed to be twice the largest number of units of electricity supplied to the Board during any consecutive thirty minutes starting from an hour or half-hour in that month:

Provided that, if the number of kilowatts of maximum demand so ascertained for any particular month shall be less than the number of kilowatts of maximum demand for any previous month of the same year of account, the higher number shall be taken as the maximum demand for the first-mentioned month.

2. If and so far as the price for a supply of electricity is under this Act to be adjusted according to the power factor or otherwise ascertained, such adjustment or ascertainment shall be made in accordance with regulations to be prescribed by the Ministry of Commerce.

THIRD SCHEDULE.

Section 13 (4).

AUTHORISED CHARGES.

Authorised charges and allowances in respect of transmission lines used for giving supply by authorised undertakers being Corporations of county boroughs to the Board.

The following are the charges and allowances which may be made in respect of a transmission line used by authorised undertakers being Corporations of County Boroughs for giving a supply to the Board:—

(1) The actual cost of the maintenance of the transmission line including renewals thereof not chargeable to capital account:

(2) Sums paid as rents rates and taxes (other than taxes on profits) and for insurance in respect of the transmission line:

(3) A proper proportion of management and general establishment charges attributable to the transmission line:

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A.D. 1931.

(4) The cost of units lost in transmission from the station or sub-station from which the supply is given to the station or sub-station at which the supply is taken:

(5) Any other expenses on revenue account attributable to the transmission line:

(6) Interest on money properly expended for capital purposes (whether defrayed out of capital or revenue) and attributable to the transmission line and on such working capital as is properly attributable to the transmission line at the average rate payable on the money raised by the Corporation for the purpose of constructing the line:

(7) An allowance for depreciation amounting to the equal annual sums which with the accumulations thereon at three pounds ten shillings per centum per annum would be sufficient to cover within the authorised loan periods all sums borrowed and properly attributable to the line.

Provided that where part of the cost of the construction of the transmission line was defrayed out of revenue, the allowance for depreciation shall be increased by such amount as the Ministry of Commerce thinks just.

If a transmission line is used partly for giving a supply to the Board and partly for other purposes the charges and allowances shall be the proper proportion of such charges and allowances as aforesaid.

Section 13 (7) and 20 (1)

FOURTH SCHEDULE.

PROVISIONS AS TO THE ACQUISITION OF SELECTED STATIONS AND MAIN TRANSMISSION LINES.

The price of a selected station or main transmission line shall be such sum as may be certified by an auditor appointed by the Minister of Commerce to have been the amount of the expenses properly incurred on and incidental to the provision of the selected station or main transmission line, less depreciation on a scale fixed by special order:

Provided that if the owners of the selected station or main transmission line or the Board are dissatisfied with the sum so certified, the matter in dispute shall, in default of agreement, be determined by arbitration under sub-section (1) of section thirty-three of this Act.

Section 56 (2).

FIFTH SCHEDULE.

PROVISIONS CONSEQUENTIAL UPON ABOLITION OF ELECTRICITY COMMISSIONERS.

PART I.

APPORTIONMENT UPON UNDERTAKERS OF CERTAIN EXPENSES OF MINISTRY OF COMMERCE.

1. The Ministry of Commerce shall, subject to the approval of the Ministry of Finance, at the beginning of each financial year prepare

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A.D. 1931

an estimate of the amounts payable out of moneys provided by Parliament in respect of the expenses incurred by the Ministry of Commerce in the said financial year in the exercise and performance of the duties transferred to it from the Electricity Commissioners for Northern Ireland, and the said Ministry shall also prepare an estimate of receipts payable to the said Ministry in the exercise and performance of the said powers and duties.

2. The Ministry of Commerce shall apportion the amount by which the said estimated expenses exceed the said estimated receipts amongst the several authorised undertakers in proportion to the number of units of electricity sold by each body of authorised undertakers in the year ending on the thirty-first day of December next preceding the beginning of the financial year for which the apportionment is made.

In this Part of this Schedule the expression " authorised undertakers " includes the Board, and the expression " units of electricity sold " means all units generated or purchased by the authorised undertakers, less—

(*a*) those used in the generating station ;
(*b*) those lost in transmission or distribution ; and
(*c*) those sold in bulk to authorised undertakers.

3. All authorised undertakers shall furnish to the Ministry of Commerce not later than the first day of March in each year a statement of the number of units so sold by them, and, in the event of any such undertakers failing to supply such particulars on or before that date, the said Ministry may proceed with the apportionment, and for that purpose may make any necessary estimates.

4. The apportionment when made shall be conclusive for all purposes :

Provided that, if it subsequently appears to the Ministry of Commerce that for any reason the apportionment for any year ought to be revised, the said Ministry may revise the apportionment, and when determining the apportionment in any subsequent year shall make such adjustments as may be necessary to give effect to such revision.

5. Any sums due from any authorised undertakers under this Part of this Schedule shall be payable on demand and shall be recoverable, together with interest under Article 6. of this Part of this Schedule, by the Ministry of Commerce as a debt due to that Ministry from the undertakers.

6. If any authorised undertakers fail to pay to the Ministry of Commerce the sum apportioned to them within two months after receiving a demand therefor, interest at the rate of six per cent. per annum shall be payable on the amount demanded from the date of demand to the date of payment.

7. Section twenty-nine of the Electricity (Supply) Act, 1919, and section one of the Electricity and Gas (Expenses) Act (Northern Ireland), 1923, shall cease to have effect :

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A.D. 1931.

Provided that any sum remaining due from authorised undertakers under those enactments at the day appointed for the abolition of the said Electricity Commissioners shall as from that day be payable to, and may be recovered by, the Ministry of Commerce as if it were due under this Part of this Schedule.

PART II.

MODIFICATION OF ENACTMENTS RELATING TO SPECIAL ORDERS.

1. In section twenty-six of the Electricity (Supply) Act, 1919, the Ministry of Commerce shall be substituted for the Electricity Commissioners for Northern Ireland.

2. In sub-section (1) of section thirty-four of the Electricity (Supply) Act, 1919 (which relates to the power to make rules), after the word "time" there shall be inserted the words "(which shall be not less than twenty-one days)."

3. A special order made by the Ministry of Commerce, in the exercise of the powers transferred to it from the said Electricity Commissioners, shall not have any effect unless and until confirmed by that Ministry, and the provisions of Articles 4 and 5 in this Part of this Schedule shall apply to the confirmation of special orders so made.

4.—(1) Before the Ministry of Commerce confirms any special order that Ministry shall publish, in such manner as it may think best adapted for informing persons affected, notice of the proposal to confirm the order, and of the place where copies of the order may be obtained, and of the time within which any objection made with respect to the order by or on behalf of persons affected must be sent to that Ministry.

(2) Every objection must be in writing and state—

(*a*) the order or portions of order objected to;
(*b*) the specific grounds of objection; and
(*c*) the omissions, additions and modifications asked for.

(3) The Ministry of Commerce shall consider any objection made by or on behalf of any persons appearing to that Ministry to be affected which is sent to that Ministry within the required time, and that Ministry may, if it thinks fit, amend the order before confirming it.

(4) Where the Ministry of Commerce does not amend or withdraw any order to which any objection has been made, then (unless the objection either is withdrawn or appears to that Ministry to be frivolous) that Ministry shall, before confirming the order, direct an inquiry to be held in the manner provided by Article 5 in this Part of this Schedule and may, after considering the report of the person who held the inquiry, confirm the order either without modification or subject to such modification as the Ministry of Commerce thinks fit, or may refuse to confirm the order.

5.—(1) The Ministry of Commerce may appoint a competent and impartial person to hold an inquiry with regard to any order and to report to that Ministry thereon.

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A D. 1931.

(2) The inquiry shall be held in public, and any objector and any other person who, in the opinion of the person holding the inquiry, is affected by the order may appear at the inquiry either in person or by counsel, solicitor or agent.

(3) The witnesses on the inquiry may, if the person holding it thinks fit, be examined on oath.

(4) Subject as aforesaid, the inquiry and all proceedings preliminary and incidental thereto shall be conducted in accordance with rules to be made by the Ministry of Commerce.

(5) The fee to be paid to the person holding the inquiry shall be such as the Ministry of Commerce may direct.

6. A special order made by the Ministry of Commerce shall be laid, as soon as may be after it is confirmed (or, if made otherwise than in the exercise of the powers transferred from the said Electricity Commissioners, after it is made), before each House of Parliament and shall not come into operation unless and until it has been approved, either with or without modification, by a resolution passed by each such House, and when so approved shall have effect as if enacted in this Act, and shall not be questioned in any legal proceedings.

7. A special order may be altered by a subsequent special order made, confirmed (if requiring confirmation) and approved in like manner as the original order.

8. The proviso to section twenty-six of the Electricity (Supply) Act, 1919, and section thirty-five of, and the Schedule to, that Act shall cease to have effect.

SIXTH SCHEDULE.

Section 58.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
45 & 46 Vict., c. 56.	The Electric Lighting Act, 1882.	In paragraph (5) of section three the words " until after the expiration of a period of three months from the date of the first publication of such advertisement, nor "

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A.D. 1931.

ENACTMENTS REPEALED—*Continued.*

Session and Chapter.	Short Title.	Extent of Repeal.
62 & 63 Vict., c. 19.	The Electric Lighting (Clauses) Act, 1899.	Sub-section (2) of section fourteen of the Schedule. In section fifteen of the Schedule the words "including, where the area of supply is not wholly in a county borough, the county council." Sub-section (2) of section thirty-one of the Schedule.
9 Edw. 7, c. 34.	The Electric Lighting Act, 1909.	Sections ten and fifteen.
9 & 10 Geo. 5, c. 100.	The Electricity (Supply) Act, 1919.	Sections one and two, the proviso to section twenty-six, sections twenty-nine and thirty-five, in section thirty-nine, the proviso to sub-section (1) and sub-section (2), and the Schedule, as from the appointed day for the abolition of the Electricity Commissioners for Northern Ireland. In section three the words "any joint electricity authority established under this Act, or" In section four the words "chairmen or other members of joint electricity authorities established under this Act, or" Sections five, six, seven, eight and nine.

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ENACTMENTS REPEALED—*Continued.* A.D. 1931.

Session and Chapter.	Short Title.	Extent of Repeal.
9 & 10 Geo. 5, c. 100.—*contd.*	The Electricity (Supply) Act, 1919.—*Contd.*	In section ten the words "a joint electricity authority or"
		Sections twelve, thirteen and fourteen.
		In sub-section (1) of section fifteen the words "any joint electricity authority, or" and the words "joint electricity authority, or"; sub-sections (2), (3) and (4) of the said section.
		Sections sixteen, seventeen and eighteen.
		In sub-section (1) of section nineteen the words "During the period between the passing of this Act and the establishment of a joint electricity authority for a district"; and the words "within the locality."
		Section twenty-two.
		In sub-section (1) of section twenty-three the words "A joint electricity authority and"
		In section twenty-six the words "or by an order establishing a joint electricity authority under this Act."
		In section twenty-seven the words "joint electricity authorities and"

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A.D. 1931.

ENACTMENTS REPEALED—*Continued.*

Session and Chapter.	Short Title.	Extent of Repeal.
9 & 10 Geo. 5, c. 100.—*contd.*	The Electricity (Supply) Act, 1919.—*Contd.*	Section twenty-eight. Sub section (1) of section thirty-two; in sub-section (2) of that section the words "a joint electricity authority or"; and in sub-section (3) of that section the words "a joint electricity authority or," the words "joint electricity authority or" and the words "unless it is an order made under section seven of this Act, shall be a special order and."
13 & 14 Geo. 5, c. 24 (Northern Ireland).	The Electricity and Gas (Expenses) Act (Northern Ireland), 1923.	Section one, as from the appointed day for the abolition of the Electricity Commissioners for Northern Ireland.

CHAPTER 10.

An Act to apply a Sum out of the Consolidated Fund of Northern Ireland to the service of the year ending on the thirty-first day of March, nineteen hundred and thirty-two, and to appropriate the Supplies granted in this Session of Parliament. [26th May, 1931.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, for the purpose of making good the supply and applying the sums which the House of Commons have, in pursuance of recommendations from the Governor of Northern Ireland, granted to His Majesty in this Session of Parliament, as follows:—

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A.D. 1931.

GRANT OUT OF CONSOLIDATED FUND.

Issue of £6,385,948 out of the Consolidated Fund.

1. The Ministry of Finance may issue out of the Consolidated Fund of Northern Ireland, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, nineteen hundred and thirty-two, the sum of six million, three hundred and eighty-five thousand, nine hundred and forty-eight pounds.

Power for the Ministry of Finance to borrow.

2.—(1) The Ministry of Finance may borrow from any person, by the issue of Treasury Bills or otherwise, on the credit of the said sum, any sum or sums not exceeding in the whole three million, three hundred thousand pounds.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March, nineteen hundred and thirty-two, and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills), shall not apply with respect to those Bills.

40 & 41 Vict., c. 2.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with any interest due thereon, out of the growing produce of the said Consolidated Fund at any date not later than the quarter next succeeding to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer of Northern Ireland, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

APPROPRIATION OF GRANTS.

Appropriation of grants.

3. The sums granted by this Act and the other Act mentioned in Schedule (A) of this Act out of the said Consolidated Fund towards making good the supply granted to His Majesty, amounting, as appears by the said Schedule, in the aggregate to the sum of eight million, six hundred and sixty-six thousand, two hundred and ninety-three pounds, are appropriated, and shall be deemed to have been appropriated as from the date of the passing of the Acts mentioned in the said Schedule (A), for the several services and purposes expressed in Schedule (B) of this Act.

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A.D. 1931.

In addition to the sums granted as aforesaid out of the said Consolidated Fund, there may be applied as appropriations in aid of the grants for the several services and purposes specified in Schedule (B) of this Act the sums respectively set forth in the last column of the said Schedule (B), and any of the sums set forth in that column may be so applied, notwithstanding that some part thereof may be derived from sums granted by Act of Parliament for other services specified in the said Schedule (B).

Declaration required in certain cases before receipt of sums appropriated.

4.—(1) A person shall not receive any payment out of a grant which may be made in pursuance of this Act for civil or police non-effective services, until he has subscribed such declaration as may from time to time be prescribed by a warrant of the Ministry of Finance before one of the persons prescribed by the warrant:

Provided that the Ministry of Finance may dispense with the production of a declaration under this section in respect of any payment if such a declaration has been subscribed within a period of three calendar months preceding the date of the payment.

(2) Any person who makes a declaration for the purpose of this section knowing the same to be untrue in any material particular shall be guilty of a misdemeanour.

Short title.

5. This Act may be cited as the Appropriation Act (Northern Ireland), 1931.

Section 3.

SCHEDULE (A).

GRANTS OUT OF THE CONSOLIDATED FUND.

	£
For the service of the year ended on the 31st day of March, 1931:—	
Under Act 21 & 22 Geo. 5, c. 3 ..	77,545
For the service of the year ending on the 31st day of March, 1932:—	
Under Act 21 & 22 Geo. 5, c. 3 ..	2,202,800
Under this Act	6,385,948
TOTAL	£8,666,293

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SCHEDULE (B).

PART I.

SCHEDULE of sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several Services herein particularly mentioned for the year ended on the 31st day of March, 1931, viz. :—

No.		Sums Granted.	Appropriations in Aid.
	CLASS I.	£	£
1.	For the salaries and expenses of the Senate and of the House of Commons, including a grant in aid ..	275	—
	CLASS II.		
3.	For expenditure in respect of public works and buildings	10	13,506
8.	For the salaries and expenses of the Public Record Office and the cost of the administration of the Ancient Monuments Act (Northern Ireland), 1926	140	125
9.	For certain miscellaneous expenses ..	5,351	700
	CLASS III.		
1.	For the salaries and expenses of the Ministry of Home Affairs ..	660	—
4.	For the expenses of criminal prosecutions and other law charges, including the expenses of civil litigation and grants in relief of certain expenses payable by statute out of local rates	915	325
7.	For grants to local authorities in respect of health, housing, etc., and in relief of local rates	12,874	—
	CLASS IV.		
1.	For the salaries and certain expenses of the Ministry of Labour ..	10	25,391
3.	For the contributions to the Unemployment Fund under the Unemployment Insurance Acts (Northern Ireland), 1920 to 1930, and the Exchequer equalisation grant to the Unemployment Fund under the Unemployment Insurance (Agreement) Acts (Northern Ireland), 1926 and 1929	10,000	—

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A.D. 1931.

	Sums Granted.	Appropriations in Aid.
No. CLASS IV.—Continued.	£	£
4. For grants to local authorities, etc., for assistance in carrying out approved schemes to provide employment; for expenses in connection with Training Centres; and for advances to workpeople for fares under the Labour Exchanges Act, 1909, as amended by the Unemployment Insurance Acts (Northern Ireland), 1920 to 1930	45,000	—
CLASS V.		
2. For the expenses of educational services, including a grant in aid ..	2,000	—
CLASS VI.		
3. For the salaries and expenses of the Ministry of Agriculture in respect of Ordnance Survey and Geological Survey	300	—
No. CLASS VII.		
2. For the expenses of the Ministry of Commerce in respect of harbours and railway, fishery and commercial services, including certain grants in aid	10	—

PART II.

SCHEDULE of sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March, 1932, viz.:—

	Sums Granted.	Appropriations in Aid.
No. CLASS I.	£	£
1. For the salaries and expenses of the Senate and of the House of Commons, including a grant in aid ..	25,372	300
2. For the salaries of the Department of the Prime Minister and the salaries of the Cabinet Secretariat, including the expenses of the Privy Council Office	11,322	—

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A.D. 1931.

No.		Sums Granted.	Appropriations in Aid.
	CLASS I.—Continued.	£	£
3.	For a grant in aid of the Government Hospitality Fund	400	—
	CLASS II.		
1.	For the salaries and expenses of the Ministry of Finance, including the cost of the administration of revenue services, valuation, registration, loan services, public works (including drainage works), charity funds, Stationery Office, teachers' pensions, Civil Service Commission, Ulster Savings Certificates, Loans Guarantee Acts (Northern Ireland), 1922 to 1931, Land Law Acts, collection of land purchase annuities and tithe rent charges, Intoxicating Liquor Acts (Northern Ireland), 1923, 1925 and 1927, Freight Rebates Fund, and sundry agency services	140,590	32,911
2.	For the expenses of the Department of the Comptroller and Auditor-General	4,207	207
3.	For expenditure in respect of public works and buildings, including expenses of a dredger and auxiliary craft	298,453	70,859
4.	For stationery, printing, paper, binding, books and office supplies for the public service and for the Houses of Parliament, and for the production of the Belfast Gazette.	2,450	24,910
5.	For superannuation, compensation, compassionate and additional allowances and gratuities under the Superannuation Acts (Northern Ireland), 1921 to 1925; pensions and gratuities under the Civil Pensions Act (Northern Ireland), 1925, the Land Purchase (Ireland) Act, 1891, and the Church Temporalities Fund Act (Northern Ireland), 1922; and non-statutory gratuities awarded by the Ministry of Finance; and in respect of workmen's compensation insurance	4,395	—
6.	For the salaries, allowances and expenses of the County Court service and of Resident Magistrates ..	22,673	3,856

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A.D. 1931.

No.		Sums Granted.	Appropriations in Aid.
	CLASS II.—Continued.	£	£
7.	For the expenses in respect of secret services	1,500	—
8.	For the salaries and expenses of the Public Record Office and the cost of the administration of the Ancient Monuments Act (Northern Ireland), 1926	3,452	200
9.	For certain miscellaneous expenses, including certain grants in aid ..	9,283	119
	CLASS III.		
1.	For the salaries and expenses of the Ministry of Home Affairs ..	54,224	11,965
2.	For the salaries and expenses of the Royal Ulster Constabulary, including police women	679,779	105,210
3.	For the salaries and expenses of the Special Constabulary	41,217	1,500
4.	For the expenses of criminal prosecutions and other law charges, including the expenses of civil litigation and grants in relief of certain expenses payable by statute out of local rates	17,956	200
5.	For the expenses of prisons and the maintenance of criminal lunatics ..	40,488	1,050
6.	For the expenses of the Borstal Institution, reformatory and industrial schools, and places of detention ..	12,669	9,800
7.	For grants to local authorities in respect of health, housing, etc., and in relief of local rates	1,389,498	—
	CLASS IV.		
1.	For the salaries and certain expenses of the Ministry of Labour ..	113,032	163,805
2.	For the contributions and grants in aid of the cost of benefits and expenses of administration under the National Health Insurance Acts ..	155,245	—
3.	For the contributions to the Unemployment Fund under the Unemployment Insurance Acts (Northern Ireland), 1920 to 1931, and the Exchequer equalisation grant to the Unemployment Fund under the Unemployment Insurance (Agreement) Acts (Northern Ireland), 1926 and 1929	1,542,000	—

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A.D. 1931.

No.		Sums Granted.	Appropriations in Aid.
	CLASS IV.—Continued.	£	£
4.	For grants to local authorities, etc., for assistance in carrying out approved schemes to provide employment; for expenses in connection with Training Centres; and for advances to workpeople for fares under the Labour Exchanges Act, 1909, as amended by the Unemployment Insurance Acts (Northern Ireland), 1920 to 1931	82,002	3,025
5.	For the sum payable to the Ministry of Finance Pensions Account in accordance with the provisions of the Widows', Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1929	340,000	—
6.	For old age pensions under the Old Age Pensions Acts (Northern Ireland), 1908 to 1927, and under the Widows', Orphans' and Old Age Contributory Pensions Acts (Northern Ireland), 1925 and 1929, and for pensions under the Blind Persons Act, 1920	1,384,500	500
	CLASS V.		
1.	For the salaries and expenses of the Ministry of Education	69,004	—
2.	For the expenses of educational services	1,894,819	5,637
	CLASS VI.		
1.	For the salaries and expenses of the Ministry of Agriculture	67,614	6,150
2.	For the expenses of the Ministry of Agriculture in respect of agricultural education and research, improvement of live stock, agricultural development, afforestation and diseases of animals, including sundry grants in aid	114,764	10,572
3.	For the salaries and expenses of the Ministry of Agriculture in respect of Ordnance Survey and Geological Survey	9,436	1,350
	CLASS VII.		
1.	For the salaries and expenses of the Ministry of Commerce	20,444	2,051

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A.D. 1931.

No.	CLASS IV.—Continued.	Sums Granted.	Appropriations in Aid.
		£	£
2.	For the expenses of the Ministry of Commerce in respect of harbours and railway, fishery and commercial services, including certain grants in aid	35,960	6,464

CHAPTER 11.

An Act to authorise the making of Orders in the Privy Council of Northern Ireland for the purpose of effecting economies in expenditure falling to be defrayed out of public moneys and improvements in the arrangements for meeting such expenditure. [29th September, 1931.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows .—

Power to make Orders in Council effecting certain economies.

1.—(1) The Governor of Northern Ireland may, in respect of the services specified in the Schedule to this Act, make such Orders in the Privy Council of Northern Ireland as appear to the said Governor to be expedient for the purposes of effecting economies in the expenditure falling to be defrayed out of moneys provided by Parliament, or out of any fund established by the enactments relating to any of the said services, and of effecting improvements in the arrangements for meeting such expenditure ; and, in particular, without prejudice to the generality of the said power, any such Order may make provision—

(*a*) for altering the respective proportions in which expenditure in respect of any such service is to be defrayed out of any fund so established as aforesaid and out of moneys provided by

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A D. 1931.

Parliament, and for making transfers and adjustments between any such funds or between any such fund and any other statutory fund ;

(*b*) for imposing duties and conferring powers on local authorities in connection with the administration of any such service, for the performance or exercise of any such duties or powers by committees, sub-committees and officers of local authorities, and for the appointment or co-option of persons to be additional members of local authorities or their committees for any purposes of the Order ;

(*c*) for increasing the contributions to be made to the Northern Irish unemployment fund and for securing that, as from such date as the Ministry of Finance may certify to be the date on which the deficiency on the current account of the said fund is in a state of parity with the maximum statutory deficiency on the unemployment fund of Great Britain, any further deficiency shall be met out of such moneys as may be provided by Parliament for that purpose ;

(*d*) for removing anomalies in the operation of the enactments relating to unemployment insurance ;

(*e*) for the modification or termination of statutory or contractual rights, obligations and restrictions subsisting at the date when the provisions of the Order take effect.

(2) The Minister or Ministry designated in any Order in Council made under this section may make regulations for giving effect to the provisions of that Order in respect of such matters as may be specified therein, and such regulations shall, if that Order so provides, be presented to Parliament, and be subject to annulment, in such manner as that Order may specify.

(3) Any Order in Council or regulations made under this section shall, as from such date not earlier than the first day of October, nineteen hundred and thirty-one, as may be specified in the Order or regulations, have effect notwithstanding anything in any enactment, and may be added to, altered, or revoked by any subsequent Order or regulations (as the case may be) made under this section.

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Short title

2. This Act may be cited as the Economy Act (Northern Ireland), 1931.

SCHEDULE.

SERVICES IN RESPECT OF WHICH ORDERS IN COUNCIL MAY BE MADE UNDER THIS ACT.

National Health Insurance.
Unemployment Insurance.

CHAPTER 12.

An Act to provide for the making of schemes laying down plans for the development or re-development of land; to make further provision with respect to the clearance and improvement of unhealthy areas and the demolition or repair of insanitary houses, and with respect to the application of the Second Schedule to the Housing of the Working Classes Act, 1890, in certain cases; to amend certain enactments relating to the regulation of new buildings; and for purposes connected with the matters aforesaid. [13th October, 1931.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

PLANNING SCHEMES.

Planning schemes

1.—(1) A scheme laying down a plan of development or re-development (in this Act referred to as "a planning scheme") may be made in accordance with the provisions of this Part of this Act as respects any land with the general object of securing proper sanitary conditions, amenity and convenience in connection with the laying out and use of the land, and of any neighbouring lands, or in connection with the re-development of the land if already developed.

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A.D. 1931.

(2) Where it appears to the Ministry of Home Affairs (in this Act referred to as "the Ministry") that on account of the special architectural, historic or artistic interest attaching to a locality it is expedient that, with the object of preserving the existing character and of protecting the existing features of the locality, a planning scheme should be made with respect to that locality, the Ministry may authorise a planning scheme, having the objects aforesaid, to be made with respect to that locality, and the provisions of this Part of this Act shall apply accordingly.

Power of local authorities to prepare or adopt planning schemes.

2.—(1) A local authority may by resolution decide—

(*a*) to prepare a planning scheme with reference to any land within their district; or

(*b*) to adopt, with or without any modifications, any planning scheme proposed by all or any of the owners of any land within their district:

Provided that in any case where two or more local authorities are desirous of acting jointly in the preparation or adoption of a planning scheme the provisions of the next following section of this Act shall apply.

(2) A planning scheme prepared or adopted by a local authority shall require the approval of the Ministry, and the Ministry may refuse to approve any scheme, except with such modifications and subject to such conditions as the Ministry thinks fit to impose.

(3) A planning scheme may be varied or revoked by a subsequent scheme prepared or adopted and approved in accordance with this Part of this Act, or in manner provided by regulations made by the Ministry under this Act, and the Ministry, on the application of the responsible authority or of any other person appearing to the Ministry to be interested, may by order revoke a planning scheme, if the Ministry thinks that in the special circumstances of the case the scheme ought to be so revoked.

Combination of local authorities for the purposes of planning schemes.

3.—(1) Where two or more local authorities are desirous of acting jointly in the preparation or adoption of a planning scheme, they may concur in appointing out of their respective bodies a joint committee for the

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A.D. 1931.

purpose, and in conferring, with or without restrictions, on any such committee any powers which the appointing councils might exercise for the purpose.

(2) Where a local authority or a joint committee of two or more local authorities propose to prepare a planning scheme, and—

(*a*) another local authority desire to be combined with such first-mentioned local authority or joint committee, or

(*b*) such first-mentioned local authority or joint committee desire that one or more other local authorities, or any council capable of becoming a local authority under this Part of this Act, shall be combined with them,

for purposes connected with the preparation or adoption of the scheme, then the Ministry, on the application of any of the local authorities concerned or of the joint committee, may by order provide for the constitution of a joint committee in accordance with such application and for conferring upon them any powers of a local authority under this Part of this Act:

Provided that the Ministry, before making such an order, shall hold a local inquiry unless all the local authorities and councils whom it is proposed to combine assent.

(3) The provisions contained in the First Schedule to this Act shall apply to any joint committee appointed or constituted under this section, but subject, in the latter case, to sub-section (4) of this section.

(4) An order under sub-section (2) of this section may provide for the apportionment of the representation on the committee to the several authorities, and as to the functions of the joint committee, and for the modification, where necessary, of the provisions of the First Schedule to this Act in their application to a joint committee constituted under the said sub-section (2).

Development of estates pending the coming into operation of planning schemes.

4. The Ministry may by special or general order provide that where a resolution to prepare or adopt a planning scheme has been passed, the development of estates included in, and building operations upon, the land affected may be permitted to proceed pending the coming into operation of the planning scheme, subject

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A.D. 1931.

to such conditions as may be prescribed by the order, or (if the order so provides) as may be required by the local authority. Any such conditions may be enforced as if they were provisions of a planning scheme which has come into operation, and questions arising as to compliance with any such conditions shall be determined as if they were questions as to compliance with the provisions of such a scheme.

Contents of planning schemes.

5.—(1) Every planning scheme shall contain such provisions as are necessary or expedient for prohibiting or regulating the development of land and dealing with any of the matters mentioned in the Second Schedule to this Act, and generally for carrying out any of the objects for which the scheme is being made.

(2) The provisions to be inserted in a planning scheme with respect to buildings may include provisions—

(*a*) prescribing the space about buildings ;

(*b*) limiting the number of buildings ;

(*c*) prescribing the height, character or user of buildings ;

(*d*) prescribing a standard of net annual value for buildings ;

and such provisions may differ as respects different parts of the area to which the scheme applies.

(3) Provisions shall be inserted in every planning scheme—

(*a*) defining in such manner as may be prescribed by regulations under this Act the area to which the scheme is to apply ; and

(*b*) specifying, subject to the provisions of subsection (4) of this section, the local authority or authorities or the joint body who are to be the responsible authority for all or any of the purposes of the scheme ; and

(*c*) providing for the suspension, so far as necessary for the proper carrying out of the scheme, of any statutory enactments, byelaws, regulations or other provisions, which are in operation in the area included in the scheme.

(4) Where land included in a planning scheme is in the districts of more than one local authority, the responsible authority may be one of those local authorities, or for certain purposes of the scheme one local

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A.D. 1931.

authority and for certain purposes another local authority, or a joint body constituted specially for all or any of those purposes by the scheme, and all necessary provisions may be made by the scheme for constituting the joint body and giving them the necessary powers and duties.

Procedure regulations of the Ministry.

6.—(1) The Ministry shall make regulations for regulating generally the procedure to be adopted—

(*a*) with respect to the preparation or adoption of a planning scheme; and

(*b*) with respect to obtaining the approval of the Ministry to a scheme so prepared or adopted; and

(*c*) with respect to the variation or revocation of a scheme; and

(*d*) with respect to any inquiries, reports, notices or other matters required in connection with the preparation or adoption or the approval of the scheme or preliminary thereto, or in relation to the carrying out of the scheme or enforcing the observance of the provisions thereof, or the variation or revocation of the scheme.

(2) Provision shall be made by the said regulations—

(*a*) for securing co-operation on the part of the local authority with the owners and other persons interested in the land proposed to be included in the scheme, by such means as may be provided by the regulations; and

(*b*) for securing that notice of the proposal to prepare or adopt a scheme shall be given at the earliest stage possible to any local authority or other public body interested in the land; and

(*c*) for securing that any local authority or other public body, the whole or any part of whose district or area is proposed to be included in a scheme, shall be furnished with a notice of any proposal to prepare or adopt such a scheme and with a copy of the draft scheme before the scheme is made, and shall be entitled to be heard at any public local inquiry held by the Ministry in regard to the scheme; and

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(*d*) for securing that a local authority, after passing a resolution to prepare or adopt a scheme, shall proceed with all reasonable speed with the preparation or adoption of the scheme, and shall comply with any regulations as to steps to be taken for that purpose; and

(*e*) for dealing with the other matters mentioned in the Third Schedule to this Act.

Power to enforce scheme.

7.—(1) The responsible authority may, at any time after giving such notice as may be provided by a planning scheme and in accordance with the provisions of the scheme—

(*a*) remove, pull down or alter any building or other work in the area included in the scheme which is such as to contravene the scheme, or in the erection or carrying out of which any provision of the scheme has not been complied with; or

(*b*) execute any work which it is the duty of any person to execute under the scheme in any case where it appears to the authority that delay in the execution of the work would prejudice the efficient operation of the scheme.

(2) Any expenses incurred by a responsible authority under this section by reason of the contravention of a scheme by any person, or the default of any person in complying with a scheme or in executing any work which it is his duty to execute thereunder, may be recovered by the authority from such person as a debt due by him.

(3) If any question arises whether any building or work contravenes a planning scheme or whether any provision of a planning scheme is not complied with in the erection or carrying out of any such building or work, that question shall be referred to the Ministry, and shall, unless the parties otherwise agree, be determined by an arbitrator appointed by the Ministry under the provisions of article twenty-nine of the Schedule to the Local Government (Application of Enactments) Order, 1898.

Acquisition of land comprised in a scheme.

8.—(1) The responsible authority may, for the purpose of a planning scheme, purchase any land comprised in such scheme by agreement, or be authorised

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A.D. 1931.

to purchase any such land compulsorily, in the same manner and subject to the same provisions in either case as where land is purchased by an urban district council for the purpose of Part III. of the Housing of the Working Classes Act, 1890, under that Act and the enactments for the time being in force amending the same.

53 & 54 Vict., c. 70.

(2) The responsible authority may, with the consent of and subject to any conditions imposed by the Ministry, acquire by agreement land comprised in a planning scheme, notwithstanding that the land is not immediately required for the purposes of the scheme.

(3) Where land included within the district of a local authority is comprised in a planning scheme, and the local authority are not the responsible authority, the local authority may purchase or be authorised to purchase that land in the same manner as the responsible authority.

Compensation and betterment charges in respect of property affected by scheme, etc.

9.—(1) Any person whose property is injuriously affected by the coming into operation of a planning scheme shall, if he makes a claim for the purpose within the time (if any) limited by the scheme, not being less than three months after the date on which the provision giving rise to the claim came into operation, be entitled to obtain compensation in respect thereof from the responsible authority.

(2) A person shall not be entitled to obtain compensation under this section on account of any building erected on, or contract made or other thing done with respect to, land included in a scheme, after the date of the prescribed notice of the resolution of the local authority to prepare or adopt the scheme, or after the date of the prescribed notice that the Ministry has authorised a scheme to be made by virtue of any power conferred on the Ministry for that purpose by this Part of this Act (as the case may be):

Provided that—

(*a*) this provision shall not apply as respects any work done before the approval of the scheme for the purpose of finishing a building begun or of carrying out a contract entered into before such date as aforesaid, except that where an offer of reasonable compensation for the cesser of such work is

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made by the local authority no compensation shall in any event be payable on account of that work greater than the amount so offered, or, in case of a dispute as to the reasonableness of the offer, than such amount as may be determined by an arbitrator under sub-section (4) of this section to be reasonable having regard to the progress of the work at the time when the offer of the local authority was made;

(*b*) this provision shall not apply as respects any building erected, contract made, or other thing done in accordance with a permission granted by the responsible authority in pursuance of an order of the Ministry allowing the development of estates and building operations to proceed pending the coming into operation of the scheme, and the carrying out of works so permitted shall not prejudice any claim of any person to compensation in respect of property injuriously affected by the making of the scheme.

(3) Where by the coming into operation of any provision contained in a planning scheme any property is increased in value, the responsible authority, if they make a claim for the purpose within the time (if any) limited by the scheme (not being less than three months after the date on which the provision giving rise to the claim came into operation), shall be entitled to recover from any person whose property is so increased in value one-half of the amount of that increase:

Provided that, where any sum has been paid to the responsible authority under this sub-section, and the scheme in respect of which the payment was made is subsequently varied or revoked by an order of the Ministry under this Part of this Act, the person who made the payment, or his successor in title to the property affected, shall be entitled to obtain from the responsible authority such refund or other compensation (if any) as may be determined by an arbitrator, or otherwise, under sub-section (4) of this section, and that sub-section shall apply accordingly.

(4) Any question as to whether any property is injuriously affected or increased in value within the

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A.D. 1931.

meaning of this section, and as to the amount and manner of payment (whether by instalments or otherwise) of the sum which is to be paid as compensation under this section or which the responsible authority are entitled to recover from a person whose property is increased in value, shall be determined under and in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919, by an arbitrator to be appointed under section one of the Administrative Provisions Act (Northern Ireland), 1928, unless the parties agree on some other method of determination.

9 & 10 Geo. 5, c. 57.

18&19 Geo. 5, c. 14.

(5) Where a planning scheme is revoked by an order of the Ministry, or fails to take effect, under this Part of this Act, any person who has incurred expenditure or sustained financial loss for the purpose of complying with the provisions of the scheme, or (where a scheme fails to take effect) of complying with conditions applicable to the development of estates and building operations pending the coming into operation of the scheme, shall be entitled to compensation to be determined in accordance with this section, in so far as any such expenditure is rendered abortive or such financial loss was sustained by reason of the revocation of the scheme, or its failure to take effect:

Provided that no person shall be entitled to compensation under this sub-section in respect of any provisions of a scheme or conditions applicable to the development of estates and building operations pending the coming into operation of a scheme, in cases where, if such provisions or conditions had been contained in a planning scheme which had taken effect, no compensation would, as a result of the operation of sub-sections (1) or (2) of the next succeeding section of this Act, be payable.

(6) Where any land is increased in value by the coming into operation of any provision contained in a planning scheme and such land is agricultural land the responsible authority shall not, unless and until the land ceases to be agricultural land, be entitled to enforce payment of the amount due to them in respect of the increase, but nevertheless so much of the amount as is for the time being unpaid shall by virtue of this Act be a charge on the land as from the date on which it became due.

For the purpose of enabling effect to be given to the provisions of this sub-section—

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A.D. 1931.

(*a*) the arbitrator or other person who in the first instance determines the amount by which any property is increased in value by the coming into operation of a scheme shall, if a part only of that property is agricultural land, apportion the amount of the increase between that part of the property and the part of the property which is not agricultural land and may, at the request either of the responsible authority or of the owner of the property, make further apportionments between different parcels of the agricultural land; and

(*b*) where subsequently any agricultural land as respects which the increase in value has been determined ceases in part to be agricultural land, further apportionments of the amount of the increase between different parcels of that land may, at the request either of the responsible authority or of the owner, be made by an arbitrator to be agreed upon between them or, in default of agreement, to be appointed by the Ministry.

For the purpose of this sub-section "agricultural land" means any land which is part of an ornamental park, garden or pleasure ground, or is used as farm land, market gardens, nursery grounds, orchards or allotments, or as a plantation or a wood, or for the growth of saleable underwood, or mainly or exclusively for purposes of sport or recreation.

Exclusion or limitation of compensation in certain cases

10.—(1) Where property is alleged to be injuriously affected by reason of any provisions contained in a planning scheme, no compensation shall be paid in respect thereof if or so far as the provisions are also contained in any public general or local Act, or Order having the force of an Act of Parliament, in force in the area, or are such as would have been enforceable if they had been contained in byelaws made by the local authority, and would (whether contained in such Act or Order or byelaws) have been enforceable without payment of compensation.

(2) Property shall not be deemed to be injuriously affected by reason of the coming into operation of any provisions inserted in a planning scheme, which prescribe the space about buildings or limit the number of buildings

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A.D. 1931.

to be erected, or prescribe the height or character or user of buildings, or prescribe a standard of net annual value for buildings, and which the Ministry, having regard to the nature and situation of the land affected by the provisions, considers reasonable for the purpose:

Provided that this sub-section shall not have effect so as to preclude a claim for compensation under this Part of this Act on account of the demolition, removal or alteration, in pursuance of a planning scheme, of any building—

(*a*) existing at the date of the prescribed notice of the passing of the resolution of the local authority to prepare or adopt the scheme or of the prescribed notice of the giving of authority by the Ministry for the making of the scheme; or

(*b*) of which the erection was begun before the said date;

or so as to preclude a claim for compensation in a case where the scheme affects the user of any building at the said date for any purpose for which the same was used at the said date, unless the person entitled to the user has after that date—

(i) commenced to use such building for any purpose other than that purpose; or

(ii) voluntarily ceased for a continuous period of six months or upwards to use such building for any purpose.

(3) Where a person is entitled to compensation under this Part of this Act in respect of any matter or thing, and would be entitled to compensation in respect of the same matter or thing under any other enactment, such person shall not be entitled to compensation in respect of that matter or thing both under this Part of this Act and under that other enactment, and shall not be entitled to any greater compensation under this Part of this Act than he would be entitled to under the other enactment.

Notice to withdraw or modify provisions of scheme.

11.—(1) The responsible authority may, at any time within the prescribed period, give to the owner of any property in respect of which an award of compensation has been made on the ground that the property has been injuriously affected by the coming into operation of a

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A.D. 1931.

planning scheme notice of their intention to withdraw or modify all or any of the provisions of the scheme which gave rise to the claim for compensation.

For the purpose of this section the prescribed period means—

(i) if no notice of appeal against the amount of the award is given, one month after the date of the award;

(ii) if notice of appeal is given and not subsequently withdrawn, one month after the appeal is finally disposed of;

(iii) if notice of appeal is given and subsequently withdrawn, one month after the notice of appeal is withdrawn.

(2) Where such notice has been given, the responsible authority shall within three months from the date of the notice submit for the approval of the Ministry a varying scheme carrying into effect such withdrawal or modification as aforesaid, and upon the varying scheme, as approved by the Ministry with or without modification, coming into operation, and upon payment by the authority of the owner's costs of and in connection with the arbitration, the award of the arbitrator shall be discharged, without prejudice, however, to the right of the owner to make a further claim for compensation in respect of the said scheme as varied.

(3) No award of compensation under this Part of this Act in respect of property injuriously affected by the making of a planning scheme shall be enforceable within the prescribed period, or, if a notice has been given by the authority under sub-section (1) of this section, until after the expiration of three months from the date of the notice, or, if within the said period of three months a varying scheme is submitted to the Ministry, until such varying scheme has either come into operation or been disapproved by the Ministry or quashed by a court.

Registration of ownership of land and service of notices.

12. The following provisions shall have effect as respects any district, being a county borough, borough or urban district, to which they are applied by an order of the Ministry:—

(1) Any person being or claiming to be an owner (within the meaning of the Lands Clauses Acts) of land within any area to which a

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A D. 1931.

planning scheme proposed to be made under this Part of this Act relates shall be enabled to register his name and address with the local authority of the district, and any such person who has so registered his name and address in relation to any land within any such area shall be entitled to be served at his last registered address with a copy of any notices required by any regulations made under this Part of this Act to be given by the local authority in connection with the preparation of the said scheme, and, notwithstanding anything in the said regulations, it shall not be incumbent on the local authority to serve a copy of any of such notices upon any person who has not so registered his name and address.

(2) In any notice advertised by the local authority of the district, under or in pursuance of this Part of this Act, of their intention to prepare or adopt a planning scheme they shall give notice of the effect of the provisions of this section.

The provisions of this section shall not apply in relation to the service of any notice relating to the compulsory acquisition of land under this Part of this Act.

Power to require removal of structures.

13.—(1) Where any unsightly and dilapidated structure, not being an occupied dwelling-house, exists on any land (whether or not included in a planning scheme), the local authority may serve a notice, in the prescribed manner, upon the owner of the structure, and upon such other persons as may be prescribed, requiring that the structure shall be either removed or rendered sightly within the time specified in the notice, which shall not be less than two months.

(2) Any person upon whom a notice is served under this section shall be entitled to recover from the local authority by whom the notice was served any expenses reasonably incurred by him in removing the structure to which the notice relates; and, in default of compliance with the requirements contained in the notice, the local authority may enter upon the land and remove the said structure, doing no unnecessary damage.

(3) The provisions of sub-section (2) of this section shall not apply where as a result of a fire any building

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A.D. 1931.

has become an unsightly and dilapidated structure, but in that case a local authority may serve a notice upon the owner of the structure requiring him within eighteen months after the service upon him of such notice, and at his own expense, to remove such structure or render it sightly, and in default of compliance with the requirements contained in the notice, the local authority may enter upon the land and remove the structure and sell the materials thereof.

(4) Any expenses incurred by a local authority under the last preceding sub-section, after giving credit for any amount realised by the sale of materials, may be recovered by them as a debt in the county court within the jurisdiction of which the premises are situate from the owner of the building, or, if there is more than one owner, from the owners thereof in such shares as the court may determine to be just and equitable, and any owner who pays to the local authority the full amount of their claim may in like manner recover from any other owner such contribution, if any, as the court may determine to be just and equitable.

Any surplus in the hands of the local authority shall be paid by them to the owner of the building, or, if there is more than one owner, shall be paid as those owners may agree, or may, in default of agreement, be paid into the county court, and may be paid out to the owners by order of the court in such shares as the court may determine to be just and equitable.

The court in determining for the purposes of this sub-section the shares in which any expenses shall be paid or contributed by, or any surplus shall be divided between, two or more owners of a building, shall have regard to their respective interests in the building, their respective obligations and liabilities in respect of maintenance and repair under any covenant or agreement, whether expressed or implied, and all the other circumstances of the case.

(5) Any person aggrieved by any requirement of a local authority under this section may, within the time specified in the notice, appeal to the county court within the jurisdiction of which the premises to which the notice relates are situate, and in the case of such appeal no proceedings shall be taken by the local authority to carry out the requirement against which the appeal is

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A.D. 1931.

brought, before the appeal has been determined or withdrawn.

The county court, on an appeal under this subsection, may make such order confirming or quashing or varying the requirement appealed against as the court thinks fit, and such order shall be final and conclusive.

(6) Any person whose property is injuriously affected by the carrying out of the requirements of a notice or of an order of a county court under this section shall, if he makes a claim for the purpose within three months after those requirements have been carried out, be entitled to claim compensation from the local authority, and such claim shall be determined, and compensation (if any) shall be paid, in like manner as in a case where a person claims that his property is injuriously affected by the making of a planning scheme under this Part of this Act.

(7) For the purposes of this section the word "structure" includes, in cases where by reason of dilapidation or destruction by fire no walls or parts of walls are left standing, the materials of which the said structure was built.

Duty of local bodies to have regard to amenities of locality, etc.

14. The council of any county, borough, urban or rural district and the commissioners of any town not being an urban district, in preparing any proposals for the provision of houses or in taking any action under any enactment relating to housing (including this Act), shall have regard to the amenities of the locality, the beauty of the landscape or countryside, and the desirability of preserving existing works of architectural, historic or artistic interest, and shall comply with such directions, if any, in that behalf as may be given to them by the Ministry.

Advisory committees for local authorities.

15. A local authority may appoint an advisory committee, consisting of persons having special knowledge and experience of matters relating to plans for the development of land, architecture, archæology, and similar subjects, for the purpose of advising the authority in regard to the preparation of planning schemes.

Provisions as to local authorities and their expenses.

16.—(1) For the purposes of this Part of this Act the local authority shall be—

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A.D. 1931.

(*a*) as respects any county borough or other borough or urban district, the council of the borough or district;

(*b*) as respects any county (not being a county borough), the county council:

Provided that—

(i) as respects a borough (not being a county borough) or urban district, the council thereof shall be the local authority to the exclusion of the council of the county within which such borough or district is comprised;

(ii) if the council of any rural district so resolve, that council shall, subject to the consent of the county council of the county within which such district is comprised, be a local authority as respects that district for such purposes of this Part of this Act and subject to such conditions, if any, as the county council may determine, and if the rural district council are dissatisfied with any refusal of the county council to give their consent, or with any such determination, they may appeal to the Ministry, and the Ministry may, if it thinks fit, give its consent or may determine the matter, and such consent or determination shall have the same effect as the consent or determination of the county council.

(iii) as respects any land belonging to the Belfast Harbour Commissioners and held by them for the purposes of their harbour undertaking (in this Act referred to as "harbour land"), the said Commissioners shall, to the exclusion of any other local authority in whose area such land may be situate, be the local authority.

(2) Any such borough, district, county or harbour land as aforesaid is in this Part of this Act referred to, in relation to the local authority thereof, as "the district."

(3) Any expenses incurred by the council of a county borough or other borough, urban district or rural

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A.D. 1931.

district under this Part of this Act, or any scheme made under this Part of this Act, shall be defrayed out of any rate or fund applicable to the purposes of the Public Health (Ireland), Acts, 1878 to 1918; and the council may borrow money for the purposes of this Part of this Act or any such scheme, including the cost of the preparation or adoption of a scheme, in the same manner and subject to the same provisions as they may borrow for the purposes of the said Public Health (Ireland) Acts. Money borrowed under this sub-section shall not be reckoned as part of the debt of a borough or district for the purposes of the limitation on borrowing contained in sub-sections (2) and (3) of section two hundred and thirty-eight of the Public Health (Ireland) Act, 1878.

41 & 42 Vict., c. 52.

(4) Any expenses incurred by the council of a county (not being a county borough) under this Part of this Act, or any scheme made under this Part of this Act, shall be defrayed out of the county fund either as a county-at-large charge or as a charge upon some rural district or districts in the county, according as the council, with the sanction of the Ministry, may determine, but so that no sum shall be raised on account of such expenses off any borough or urban district; and the council of any such county may borrow money for the purposes of this Part of this Act or any such scheme, including the cost of the preparation or adoption of a scheme, in the same manner and subject to the same provisions as they may borrow for the purposes mentioned in article twenty-two of the Schedule to the Local Government (Application of Enactments) Order, 1898. Money borrowed under this sub-section shall not be reckoned as part of the debt of a county council for the purposes of the limitation on borrowing contained in sub-section (2) of the said article twenty-two.

Power of the Ministry in case of default of local authority to execute scheme or consent to modifications and conditions.

17.—(1) Where the Ministry has refused to approve a planning scheme prepared or adopted by a local authority, except with certain modifications or subject to certain conditions, and the Ministry on any representation is satisfied that the local authority have unreasonably refused to consent to the modifications or conditions so imposed by the Ministry, the Ministry may order the local authority to consent to the modifications or conditions so imposed.

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A.D. 1931

(2) If the Ministry is satisfied on any representation that a responsible authority have failed to enforce effectively the observance of a scheme which has come into operation, or any provisions thereof, or to execute any works which under the scheme or this Part of this Act the authority are required to execute, the Ministry may order that authority to do all things necessary for remedying their default and enforcing the observance of the scheme or any provisions thereof effectively, or for executing any works which under the scheme or this Part of this Act the authority are required to execute.

(3) Any order under this section may be enforced by mandamus.

Determination of matters by the Ministry.

18. Where the Ministry is authorised by this Part of this Act or any scheme made under this Part of this Act to determine any matter, it shall, except as otherwise expressly provided by this Part of this Act, be at the option of the Ministry to determine the matter as arbitrator or otherwise, and if the Ministry elects or is required to determine the matter as arbitrator, the provisions of article twenty-nine of the Schedule to the Local Government (Application of Enactments) Order, 1898, shall apply as respects such determination.

Local inquiries.

19.—(1) For the purposes of the execution of its powers and duties under this Part of this Act, the Ministry may cause such local inquiries to be held as it may think fit:

Provided that before approving of any planning scheme to which any objection has been made and not withdrawn the Ministry shall cause a public local inquiry to be held.

(2) Sub-sections (1) and (3) of article thirty-two of the Schedule to the Local Government (Application of Enactments) Order, 1898, and section six of the Local Government Act (Northern Ireland), 1923, shall apply for the purposes of any local inquiry held under this section.

13&14 Geo. 5, c. 31.

(3) The powers of the Ministry under section two hundred and ten of the Public Health (Ireland) Act, 1878 (as applied by virtue of the enactments aforesaid) shall include a power to make orders as to the costs of

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A.D. 1931.

parties appearing and heard at any local inquiry held under this section.

Provisions as to land in neighbourhood of Hillsborough and Stormont.

20.—(1) Where any land proposed to be included in a planning scheme, or any land proposed to be acquired under this Part of this Act, is situate within the prescribed distance from the Hillsborough Estate or the Stormont Estate, the local authority shall, before preparing the scheme or acquiring the land, communicate with the Ministry of Finance, and the Ministry of Home Affairs shall, before confirming the scheme or authorising the acquisition of the land or the raising of any loan for the purpose, take into consideration any recommendations which it may have received from the Ministry of Finance with reference to the proposal.

(2) For the purposes of this section—

"Prescribed" means prescribed by regulations made by the Ministry after consultation with the Ministry of Finance:

"Hillsborough Estate" means Hillsborough Castle and the Great Park at Hillsborough, including all lands and buildings at Hillsborough held for the purposes of the Governor or any department of the Government of Northern Ireland:

"Stormont Estate" means the Stormont Castle Demesne, including all lands and buildings at Stormont held for the purposes of the Parliament and Government of Northern Ireland.

Restrictions on operation of Part I. of Act.

21. The operation of the provisions of this Part of this Act shall be subject to the restrictions contained in the Fourth Schedule to this Act.

PART II.

CLEARANCE AND IMPROVEMENT OF UNHEALTHY AREAS, AND DEMOLITION OR REPAIR OF INSANITARY DWELLING-HOUSES.

Clearance Areas.

Local authority may declare unhealthy area to be clearance area.

22.—(1) Where a local authority within the meaning of Part I. of the Housing of the Working Classes Act, 1890 (in this Act referred to as "the principal Act"), upon consideration of an official representation or other information in their possession, are satisfied as respects any area in their district—

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A.D. 1931.

(i) that the dwelling-houses in that area are by reason of disrepair or sanitary defects unfit for human habitation, or are by reason of their bad arrangement, or the narrowness or bad arrangement of the streets, dangerous or injurious to the health of the inhabitants of the area, and that the other buildings (if any) in the area are for a like reason dangerous or injurious to the health of the said inhabitants; and

(ii) that the most satisfactory method of dealing with the conditions in the area is the demolition of all the buildings in the area in accordance with the provisions hereinafter in this Part of this Act contained;

the authority shall cause that area to be defined on a map in such manner as to exclude from the area any building which is not unfit for human habitation or dangerous or injurious to health, and shall pass a resolution declaring the area so defined to be a clearance area, that is to say, an area to be cleared of all buildings in accordance with the said provisions:

Provided that, before passing any such resolution, the authority shall satisfy themselves—

(*a*) that, in so far as accommodation available for persons who will be displaced by the clearance of the area does not already exist, the authority can provide, or secure the provision of, such accommodation in advance of the displacements which will from time to time become necessary as the demolition of buildings in the area, or in different parts thereof, proceeds; and

(*b*) that the resources of the authority are sufficient for the purpose of carrying the resolution into effect.

(2) A local authority shall forthwith transmit to the Ministry a copy of any resolution passed by them under this section, together with a statement of the number of persons who on a day to be specified in the statement were occupying the buildings comprised in the clearance area.

(3) So soon as may be after a local authority have declared any area to be a clearance area, they shall,

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A.D. 1931

in accordance with the appropriate provisions hereinafter in this Part of this Act contained, proceed to secure the clearance thereof by ordering the demolition of the buildings in the area.

Clearance orders.

23.—(1) Where as respects any area declared by them to be a clearance area a local authority determine to order any buildings in the area to be demolished, they shall make and submit to the Ministry, for confirmation by it, an order (in this Part of this Act referred to as "a clearance order") ordering the demolition of each of those buildings.

(2) The provisions of the Fifth Schedule to this Act shall have effect with respect to the making, submission and confirmation of clearance orders.

(3) When a clearance order has become operative, the owner or owners of any building to which the order applies shall take down and remove that building before the expiration of six weeks from the date on which the building is required by the order to be vacated, or, if it is not vacated until after that date, before the expiration of six weeks from the date on which it is vacated, or, in either case, before the expiration of such longer period as in the circumstances the local authority may deem reasonable; and, if the building is not taken down and removed before the expiration of that period, the local authority shall enter and take down and remove the building and sell the materials thereof.

(4) Any expenses incurred by an authority under the last preceding sub-section, after giving credit for any amount realised by the sale of materials, may be recovered by them as a debt in the county court within the jurisdiction of which the premises are situate, from the owner of the building, or, if there is more than one owner, from the owners thereof in such shares as the court may determine to be just and equitable, and any owner who pays to the authority the full amount of their claim may in the like manner recover from any other owner such contribution, if any, as the court may determine to be just and equitable.

Any surplus in the hands of the authority shall be paid by them to the owner of the building or, if there is more than one owner, shall be paid as those owners may agree, or may, in default of agreement, be

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A.D. 1931.

paid into the county court, and may be paid out to the owners by order of the court in such shares as the court may determine to be just and equitable.

The court, in determining for the purposes of this sub-section the shares in which any expenses shall be paid or contributed by, or any surplus shall be divided between, two or more owners of a building, shall have regard to their respective interests in the building, their respective obligations and liabilities in respect of maintenance and repair under any covenant or agreement, whether expressed or implied, and all the other circumstances of the case.

(5) When a clearance order has become operative, no land to which the order applies shall be used for building purposes, or otherwise developed, except subject to such restrictions and conditions, if any, as the local authority may by notice think fit to impose :

Provided that an owner who is aggrieved by a restriction or condition so imposed on the user of his land, or by a subsequent refusal of the authority to cancel or modify any such restriction or condition, may, on the ground that any such restriction or condition, or the refusal to modify any such restriction or condition, is unreasonable, at any time appeal to the Ministry, and the Ministry shall make such order in the matter as it thinks proper, and the Ministry's decision shall be final.

(6) A person who commences, or causes to be commenced, any work in contravention of a restriction or condition imposed under the last preceding sub-section shall, on summary conviction, be liable to a penalty not exceeding ten pounds, and to a further penalty not exceeding five pounds in respect of each day during which the work exists in such a form and state as to contravene the restriction or condition.

Obligations of local authority with respect to re-housing.

24. A local authority who have passed a resolution declaring any area to be a clearance area shall, before taking any action under that resolution which will necessitate the displacement of any persons, undertake to carry out or to secure the carrying out of such re-housing operations, if any, as the Ministry may consider to be necessary, and within such period as the Ministry may determine.

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A.D. 1931.

Improvement Schemes under Part I. of the Principal Act.

Amendment of s. 4 of principal Act as to official representations.

25. A local authority within the meaning of Part I. of the principal Act shall have power under section four of that Act to pass a resolution declaring any area in their district to be an unhealthy area, and in accordance with such resolution to make a scheme for the improvement of that area, where the local authority are satisfied, notwithstanding that they have not received any official representation, as to the matters concerning which they are required under the said section four to be satisfied before passing such resolution.

Purchase by local authority of land additional to or adjoining area of improvement scheme.

26.—(1) An improvement scheme under Part I. of the principal Act may include, and the local authority may purchase for the purposes of such scheme, in addition to such neighbouring lands as are mentioned in sub-section (1) of section six of the principal Act, also any land the acquisition of which is reasonably necessary for the purpose of securing an improved area of convenient shape and dimensions, and any adjoining land the acquisition of which is reasonably necessary for the satisfactory development or user of the improved area:

Provided that the operation of the provisions of this sub-section shall be subject to the restrictions contained in paragraph 3. of the Fourth Schedule to this Act.

(2) Any land acquired by a local authority under this section shall, for the purposes of the assessment of compensation, be treated as land included in a scheme only for the purpose of making the scheme efficient and not on account of the sanitary condition of the premises thereon or of those premises being dangerous or prejudicial to health.

Appropriation of land comprised in improvement scheme under Part I. of principal Act. 7 Edw. 7, c. 53.

27. Notwithstanding anything contained in Part I. of the principal Act, a local authority who have purchased land which is included in an improvement scheme under the said Part may, subject to the approval of the Ministry and subject to the like restrictions as are contained in section ninety-five of the Public Health Acts Amendment Act, 1907, with respect to the appropriation of land by local authorities under that section, appropriate the land for any purpose for which they are authorised to acquire land.

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A.D. 1931.

Amendment and Extension of Part II. of the Principal Act.

Amendments of ss. 29, 30 and 31 of principal Act and repeals.

28.—(1) In section twenty-nine of the principal Act—

(*a*) the words "means any inhabited building, and" in the definition of "dwelling house"; and

(*b*) the definition of "closing order";

shall be omitted.

(2) In section thirty of the principal Act the words "in a state so dangerous or injurious to health as to be" shall be omitted.

(3) In sub-section (1) of section thirty-one of the principal Act the words "in a condition so dangerous or injurious to health as to be" shall be omitted.

(4) Sections thirty-two to thirty-five, inclusive, of the principal Act, the Third and Fourth Schedules to the principal Act, and sections nine and ten of the Housing of the Working Classes (Ireland) Act, 1908, are hereby repealed.

8 Edw. 7, c. 61.

Power of local authority to order demolition of insanitary house.

29.—(1) It shall be the duty of every local authority to cause to be made from time to time inspection of their district, with a view to ascertain whether any dwelling-house therein is unfit for human habitation.

(2) Where a local authority, upon consideration of the representation of the medical officer of health or a report from any of their officers, or other information in their possession, are satisfied that any dwelling-house is unfit for human habitation and is not capable at a reasonable expense of being rendered so fit, they shall serve upon the person having control of the house notice of the time (being some time not less than twenty-one days after the service of the notice) and place at which the condition of the house, and any offer with respect to the carrying out of works or the future user of the house which such person may wish to submit, will be considered by them; and every person upon whom such a notice is served shall be entitled to be heard when the matter is so taken into consideration.

(3) A notice under this section shall be served upon the person who receives the rack rent of the house whether on his own account or as agent or trustee for any

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A.D. 1931.

other person or would so receive it if the house were let at a rack rent, and that person is in this Part of this Act referred to as the person having control of the house.

For the purposes of this sub-section the expression "rack rent" means a rent which is not less than two-thirds of the full net annual value of the house.

(4) In addition to serving a notice under this section on the person having control of the house the local authority shall serve a like notice upon any other person who is an owner thereof and, so far as it is reasonably practicable to ascertain such persons, upon every mortgagee thereof.

(5) Any person upon whom a notice under this section has been served may, within seven days after the time specified in the notice, by written notice to the local authority undertake that the house shall not be used for human habitation until the authority, on being satisfied that it has been rendered fit for that purpose, cancel the undertaking:

Provided that no such undertaking shall be accepted by the local authority in any case where, in the opinion of the authority, the continued existence of the house would be dangerous or injurious to the health of the public or of the inhabitants of neighbouring dwelling-houses.

(6) If no such undertaking as is mentioned in the last preceding sub-section is accepted by the local authority, or if, in a case where they have accepted such an undertaking, the house is at any time used in contravention of the terms of the undertaking, the authority shall forthwith make a demolition order requiring that the house shall be vacated within a period to be specified in the order, not being less than twenty-eight days from the date on which the order becomes operative, and that it shall be taken down and removed within six weeks after the expiration of that period or, if the house is not vacated before the expiration of that period, within six weeks after the date on which it is vacated, or in either case within such longer period as in the circumstances the local authority deem it reasonable to specify, and shall serve the order upon every person upon whom they would be required by sub-sections (3) and (4) of this section to serve a notice issued by them under this section.

(7) In determining for the purposes of this Part of this Act whether a dwelling-house can be rendered fit for

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A.D. 1931.

human habitation at a reasonable expense regard shall be had to the estimated cost of the works necessary to render it so fit and the value which it is estimated the dwelling-house will have when the works are completed.

Power of local authority to require repair of insanitary house.

30.—(1) Where a local authority, upon consideration of the representation of the medical officer of health, or a report from any of their officers, or other information in their possession, are satisfied that any dwelling-house is in any respect unfit for human habitation, they shall, unless they are satisfied that it is not capable at a reasonable expense of being rendered so fit, serve upon the person having control of the house a notice requiring him, within such reasonable time, not being less than twenty-one days, as may be specified in the notice, to execute the works specified in the notice and stating that, in the opinion of the authority, those works will render the house fit for human habitation:

Provided that the person upon whom such notice is served may within twenty-one days after the receipt of the notice by written notice to the local authority undertake that the house shall not be used for human habitation until the authority on being satisfied that it has been rendered fit for that purpose cancel the undertaking.

(2) In addition to serving a notice under this section on the person having control of the house, the local authority may serve a copy of the notice upon any other person having an interest in the house, whether as freeholder, mortgagee, lessee, or otherwise.

(3) Notwithstanding anything contained in section one hundred and ten of the Public Health (Ireland) Act, 1878 (which relates to notices requiring abatement of a nuisance) the local authority shall not serve a notice under that section in any case to which this section applies.

Enforcement of notice requiring execution of repairs.

31.—(1) If a notice under the last preceding section of this Act requiring the person having control of a dwelling-house to execute works is not complied with, and if an undertaking such as is mentioned in the said section has not been given, then, after the expiration of the time specified in the notice, or, if an appeal has been made against the notice and upon that appeal the notice has been confirmed with or without variation, after the expiration of twenty-one days from the final determina-

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A.D. 1931.

tion of the appeal, or of such longer period as the court in determining the appeal may fix, the local authority may themselves do the work required to be done by the notice, or by the notice as varied by the court, as the case may be.

(2) Where the local authority are about to enter upon a dwelling-house under the provisions of the last preceding sub-section for the purpose of doing any work, they may give to the person having control of the house, and, if they think fit, to any other person being an owner of the house, notice in writing of their intention so to do, and if at any time after the expiration of seven days from the service upon him of such notice and whilst any workman or contractor employed by the local authority is carrying out works in the house, any person upon whom the notice was served or any workman employed by him, or by any contractor employed by him, is in the house for the purpose of carrying out any works, the person upon whom the notice was served shall be deemed to be obstructing the local authority in the execution of this Act and liable on summary conviction to a fine not exceeding twenty pounds, unless he proves to the satisfaction of the court before which he is charged that there was urgent necessity to carry out the said works in order to obviate danger to occupants of the house.

(3) Any expenses incurred by the local authority under this section together with interest, at a rate not exceeding five pounds per cent. per annum, from the date when a demand for the expenses is served until payment, may, subject as hereinafter provided, be recovered by them as a debt from the person having control of the dwelling-house or, if he receives the rent of the house as agent or trustee for some other person, then either from him or from that other person, or in part from him and as to the remainder from that other person :

Provided that if the person having control of the dwelling-house proves that he—

(i) is receiving the rent merely as agent or trustee for some other person ; and

(ii) has not, and since the date of the service on him of the demand has not had, in his hands on behalf of that other person sufficient money to discharge the whole demand of the authority ;

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his liability shall be limited to the total amount of the money which he has, or has had, in his hands as aforesaid.

(4) In all proceedings by the local authority for the recovery of any such expenses, the time within which the proceedings may be taken shall be reckoned from the date of the service of the demand, or, if an appeal is made against that demand, from the date on which the demand becomes operative.

(5) The local authority may by order declare any such expenses to be payable by weekly or other instalments within a period not exceeding thirty years with interest, at a rate not exceeding five pounds per cent. per annum, from the date of the service of the demand until the whole amount is paid, and any such instalments and interest, or any part thereof, may be recovered as a debt from any owner or occupier of the dwelling-house, and, if recovered from an occupier, may be deducted by him from the rent of the house.

(6) The amount of any expenses and interest thereon due to a local authority under this section shall be a charge on the premises in respect of which the expenses were incurred, and such charge may be recovered by the same means and in the like manner in all respects as if it were a rentcharge granted by deed out of the dwelling-house by the owner thereof.

(7) No action taken under this, or the last preceding, section shall prejudice or affect any remedy available to the tenant of a dwelling-house against his landlord, either at common law or otherwise.

(8) Section twenty-three of the Housing (Ireland) Act, 1919, is hereby repealed. 9 & 10 Geo. 5. c. 45.

32. A local authority may under this Part of this Act take the like proceedings in relation to any part of a building which is let for human habitation as a separate tenement as they are empowered to take in relation to a dwelling-house, subject, however, to this qualification, that, in circumstances in which, in the case of a dwelling-house, they would have made a demolition order they shall, in the case of a part of a building which is let for human habitation as a separate tenement, make an order (in this Part of this Act referred to as "a closing order") prohibiting the use of that part for human habitation; Power of local authority to deal with part of building.

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A.D. 1931.

but the authority shall determine a closing order so made by them on being satisfied that the part of the building to which it relates has been rendered fit for human habitation.

Procedure where demolition order or closing order is made or undertaking is given as to user of house.

33.—(1) When a demolition order under this Part of this Act has become operative, the owner or owners of the house to which it applies shall take down and remove that house within the time limited in that behalf by the order; and if the house is not taken down and removed within that time, the local authority shall enter and take down and remove the house and sell the materials thereof, and the provisions of sub-section (4) of section twenty-three of this Act shall apply in relation to any expenses incurred by the authority under this sub-section and to any surplus remaining in the hands of the authority as they apply in relation to any expenses or surplus in a case where a building is demolished in pursuance of a clearance order.

(2) Any person who, knowing that a closing order has become operative and applies to any premises, or that an undertaking has been given under this Part of this Act that any premises shall not be used for certain purposes specified in the undertaking, uses those premises in contravention of the terms of the order or undertaking, or permits them to be so used, shall be liable on summary conviction to a fine not exceeding twenty pounds, and to a further penalty of five pounds for every day or part of a day on which he so uses them, or permits them to be so used, after conviction.

Appeals against demolition orders, closing orders etc.

34.—(1) Any person aggrieved by—

(*a*) a notice under this Part of this Act requiring the execution of works;

(*b*) a demand for the recovery of the expenses incurred by a local authority in executing works specified in any such notice;

(*c*) an order made by a local authority with respect to any such expenses;

(*d*) a demolition order made under this Part of this Act;

(*e*) a closing order so made or a refusal to determine the closing order

may within twenty-one days after the date of the service of the notice, demand or order, or after the refusal, as the

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case may be, appeal to the county court within the jurisdiction of which the premises to which the notice, demand or order relates are situate, and no proceedings shall be taken by the local authority to enforce any notice, demand or order against which an appeal is brought, before the appeal has been finally determined:

Provided that—

(i) on an appeal under paragraph (*b*) or paragraph (*c*) of this sub-section no question shall be raised which might have been raised on an appeal against the original notice requiring the execution of the works; and

(ii) no appeal shall lie under paragraph (*d*) or paragraph (*e*) of this sub-section at the instance of a person who is in occupation of the premises to which the order relates under a lease or agreement of which the unexpired term does not exceed three years.

(2) The county court, on an appeal under this section, may make such order confirming or quashing or varying the notice, demand or order appealed against as the court thinks fit, and may, if the court thinks fit, accept from an appellant any such undertaking as might have been accepted by the local authority, and any undertaking so accepted by the court shall have the like effect as if it had been given to and accepted by the local authority under this Part of this Act.

(3) The rules of court regulating the procedure and costs of an appeal under this section shall make provision with respect to an inspection by the judge of the county court of the premises to which the appeal relates in any case in which the judge considers that such inspection is desirable.

(4) An appeal to the Supreme Court shall lie on any point of law from a decision of a county court under this section, and the decision of the county court, or, on appeal, of the Supreme Court shall be final and conclusive.

(5) Any notice, demand or order against which an appeal might be brought to the county court under this section shall, if no such appeal is brought, become operative on the expiration of the period of twenty-one days mentioned in sub-section (1) of this section, and shall be final and conclusive as to any matters which could have

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A.D. 1931.

been raised on such an appeal, and any such notice, demand or order against which such an appeal is brought shall, if and so far as it is confirmed by the county court or the Supreme Court, become operative as from the date of the final determination of the appeal.

For the purposes of this Part of this Act the withdrawal of an appeal shall be deemed to be a final determination thereof, having the like effect as a decision confirming the notice, demand, order or decision appealed against, and, subject as aforesaid, an appeal shall be deemed to be finally determined on the date on which the decision of the Supreme Court is given, or, in a case where no appeal from the county court is brought to the Supreme Court, upon the expiration of the period within which such an appeal might have been brought.

General and Miscellaneous.

Recovery of possession of buildings subject to a clearance order or demolition order.

35.—(1) Where a clearance order or a demolition order has become operative, the local authority shall serve upon the occupier of any building or any part of any building to which the order relates a notice stating the effect of the order and specifying the date by which the order requires the building to be vacated, and requiring him to quit the building before the said date or before the expiration of twenty-eight days from the service of the notice, whichever may be the later; and if at any time after the date on which the notice requires the building to be vacated any person is in occupation of the building, or of any part thereof, the local authority or any owner of the building may make complaint to a court of summary jurisdiction, and thereupon the court shall by their warrant order vacant possession of the building or of the part thereof to be given to the complainant within such period, not being less than two weeks nor more than four weeks, as the court may determine, and such warrant shall have the like effect as a warrant issued by justices under section eighty-six of the Landlord and Tenant Law Amendment Act, Ireland, 1860.

23 & 24 Vict., c. 154.

(2) Any person who, knowing that a clearance order or a demolition order has become operative and applies to any building, enters into occupation of that building or of any part thereof after the date by which

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A.D. 1931.

the order requires that building to be vacated, or permits any other person to enter into such occupation after that date, shall be liable on summary conviction to a fine not exceeding twenty pounds and to a further penalty of five pounds for every day or part of a day on which the occupation continues after conviction.

Power of local authority to make allowances to certain persons displaced.

36. A local authority may pay to any person displaced from any dwelling-house or other building included in a scheme under Part I. or Part II. of the principal Act, or to which a clearance order, a demolition order or a closing order made under this Act applies, such reasonable allowance as they think fit towards that person's expenses in removing; and to any person carrying on any trade or business in any such dwelling-house or other building they may pay also such reasonable allowance as they think fit towards the loss which in their opinion such person will sustain by reason of the disturbance of his trade or business consequent on his having to quit the house or building, and in estimating that loss they shall have regard to the period for which the premises occupied by such person might reasonably have been expected to be available for the purpose of his trade or business and the availability of other premises suitable for that purpose.

Section seventy-eight of the principal Act is hereby repealed.

Power of local authority to require information as to ownership of premises.

37. A local authority may, for the purpose of enabling them to serve any notice (including any copy of any notice) which they are by this Part of this Act or the principal Act authorised or required to serve, require the occupier of any premises, and any person who, either directly or indirectly, receives rent in respect of any premises, to state in writing the nature of his own interest therein and the name and address of any other person known to him as having an interest therein, whether as freeholder, mortgagee, lessee or otherwise, and any person who, having been required by a local authority in pursuance of this section to give to them any information, fails to give that information, or knowingly makes any misstatement in respect thereof, shall be liable on summary conviction to a fine not exceeding five pounds.

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A.D. 1931.

Suspension of operation of Rent Restrictions Acts for purpose of carrying out repairs.

38. Where an undertaking has been given under this Part of this Act that any premises shall not be used for human habitation, nothing in the Rent and Mortgage Interest (Restrictions) Acts (Northern Ireland), 1920 to 1928, shall prevent any owner of those premises from obtaining possession thereof:

Provided that where a person has obtained possession of any premises for the purpose of carrying out any such undertaking, such possession shall not be deemed to be possession for the purposes of section two of the Rent and Mortgage Interest (Restrictions) Act (Northern Ireland), 1925, and where any such undertaking has been cancelled the person from whom possession was obtained for the purpose of giving effect to the undertaking shall be entitled to recover possession of the premises and to occupy them at the same rent and subject to the same conditions as would have applied if he had continued to occupy the premises and they had been rendered fit for human habitation during such occupation.

15 & 16 Geo. 5, c. 12.

Exclusion of application of Rent Restrictions Acts.

39. Nothing in the Rent and Mortgage Interest (Restrictions) Acts (Northern Ireland), 1920 to 1928, shall be deemed to affect the provisions of this Part of this Act relating to the obtaining possession of a house with respect to which a clearance order or demolition order has been made, or to prevent possession being obtained of any house possession of which is required for the purpose of enabling a local authority to exercise their powers under any enactment relating to the housing of the working classes, or for the purpose of securing compliance with any byelaws made for the prevention of overcrowding.

Section twenty-seven of the Housing (Ireland) Act, 1919, is hereby repealed.

Standard of fitness for human habitation.

40. In determining for the purposes of this Part of this Act whether a house is fit for human habitation, regard shall be had to the extent, if any, to which by reason of disrepair or sanitary defects the house falls short of the provisions of any byelaws in operation in the district.

Application of Second Schedule to principal Act.

41. The provisions of the Second Schedule to the principal Act as amended by subsequent enactments shall apply and shall be deemed always to have applied

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in the case of land purchased for the purposes of Part III. of that Act. A.D. 1931.

Construction of Part II. of Act.

42.—(1) In this Part of this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

"Dwelling-house" includes any yard, garden, out-houses and appurtenances belonging to a dwelling house or usually enjoyed therewith, and includes the site of the dwelling-house as so defined:

"Owner," in addition to the definition given by the Lands Clauses Acts, includes all lessees or mortgagees of any premises required to be dealt with under this Part of this Act, except persons holding or entitled to the rents and profits of such premises for a term of years of which twenty-one years do not remain unexpired:

"Sanitary defects" includes lack of air space or of ventilation, darkness, dampness, absence of adequate and readily accessible water supply or sanitary accommodation or of other conveniences and inadequate paving or drainage of courts, yards or passages.

(2) This Part of this Act shall be construed as one with the principal Act, and any provisions of this Part of this Act which extend or amend any provisions of the principal Act shall be deemed to form part of that Part of the principal Act in which the provisions extended or amended are contained, and the provisions of this Part of this Act as to clearance areas and clearance orders shall be deemed to be provisions extending the provisions of Part I. of the principal Act, and the provisions as to the repair of insanitary houses shall be deemed to form part of Part II. of the principal Act.

PART III.

REGULATION OF NEW BUILDINGS.

Provisions as to making and enforcement of byelaws respecting new buildings, etc.

43.—(1) It shall be the duty of every sanitary authority to make building byelaws and submit the same to the Ministry for confirmation, and to enforce such building byelaws within their district if and so far as the byelaws are confirmed by the Ministry.

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A.D. 1931.

A sanitary authority shall be deemed to have complied with their duty under this sub-section if and so long as they are enforcing in their district building byelaws duly made and confirmed (whether before or after the passing of this Act) and being in the opinion of the Ministry satisfactory.

(2) If, after having been required to do so by the Ministry, any sanitary authority fail to make and submit to the Ministry, within such time as the Ministry may allow, building byelaws which are, in the opinion of the Ministry, satisfactory, the Ministry may make any building byelaws which the sanitary authority have power to make, and those byelaws shall have effect and shall be enforced by the sanitary authority within their district as if they had been made by that authority and confirmed by the Ministry.

(3) One month at least before making any building byelaws the Ministry shall give notice, in one or more of the local newspapers circulating within the district to which the byelaws relate, of its intention to make such byelaws, and of the following provisions of this sub-section. For one month at least before any such byelaws are made a copy of the proposed byelaws shall be kept at the office of the sanitary authority, and shall be open during office hours thereat to the inspection of the ratepayers of the district to which such byelaws relate without fee or reward.

(4) The clerk of the sanitary authority shall, on the application of any ratepayer, furnish him with a copy of such proposed byelaws, or any part thereof, on payment of sixpence for every one hundred words contained in such copy.

Any expenses incurred by the Ministry in complying with the provisions of this sub-section shall be a debt due to the Ministry from the sanitary authority, and shall be paid by them out of the rate or fund applicable to the purposes of the Public Health (Ireland) Act, 1878.

(5) Where, within one month before the making of building byelaws by the Ministry, the sanitary authority or any person or body of persons suggest any amendments in the byelaws proposed to be made, the Ministry shall, unless it proposes to adopt such amendments, cause a local inquiry to be held at which evidence relating to the suggested amendments may be heard.

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A.D. 1931.

(6) The provisions of this section shall be construed as if they were contained in the Public Health (Ireland) Act, 1878.

In this section the expression "building byelaws" means byelaws with respect to the matters specified in section forty-one of the Public Health (Ireland) Act, 1878, and includes byelaws which a sanitary authority have power to make with respect to the said matters under any local Act, and for the purposes of this section section twenty-three of the Public Health Acts Amendment Act, 1890, shall be deemed to be in force in every urban and rural district in Northern Ireland.

53 & 54 Vict., c. 59.

PART IV.

SUPPLEMENTAL.

Power to prescribe forms, etc.

44.—(1) The Ministry may by regulations prescribe anything which by this Act is to be prescribed, and the form of any notice, advertisement, statement or other document which is required or authorised to be used under or for the purposes of this Act.

(2) All regulations made by the Ministry under this Act shall forthwith be laid before both Houses of Parliament, if Parliament be then sitting, and, if not, forthwith after the then next meeting of Parliament. If either House, within the statutory period after any regulation is laid before such House, resolves that the regulation ought to be annulled, the regulation shall after the date of the resolution be of no effect, without prejudice to the validity of anything done in the meantime thereunder or to the making of any new regulation.

(3) For the purpose of this section the expression "statutory period" means a period comprising five days at least on which the House in question has sat, but not being in any case shorter in duration than ten days, and days comprised in more than one session of Parliament may be reckoned for that purpose.

Validity and date of operation of planning schemes and clearance orders, etc.

45.—(1) The provisions of this section shall have effect with respect to the validity of planning schemes made under Part I. of this Act and clearance orders made under Part II. of this Act, and the date on which such a scheme or order is to come into operation.

(2) So soon as may be after a scheme or order has been approved or confirmed by the Ministry, the local

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A.D. 1931.

authority shall publish in a newspaper circulating in the district to which the scheme or order relates a notice in the prescribed form, stating that the scheme or order has been approved or confirmed and naming a place where a copy of the scheme or order as approved or confirmed and of any map or plan referred to therein may be seen at all reasonable hours, and shall serve a like notice on every person who, having given notice to the Ministry of his objection to the scheme or order, appeared at a public local inquiry in support of his objection.

(3) If any person aggrieved by a scheme or order desires to question its validity on the ground that it is not within the powers of this Act, or that any requirement of this Act or of any order or regulation made thereunder has not been complied with, he may within six weeks after the publication of the notice of approval or confirmation make an application for the purpose to the Supreme Court, and where any such application is duly made the Court--

(i) may by interim order suspend the operation of the scheme or order either generally or in so far as it affects any property of the applicant until the final determination of the proceedings; and

(ii) if satisfied upon the hearing of the application that the scheme or order is not within the powers of this Act, or that the interests of the applicant have been substantially prejudiced by any requirement of this Act or of any order or regulation made thereunder not having been complied with, may quash the scheme or order either generally or in so far as it affects any property of the applicant.

(4) Subject to the provisions of the last preceding sub-section, a scheme or order shall not either before or after its approval or confirmation be questioned by prohibition or certiorari or in any legal proceedings whatsoever and shall become operative at the expiration of six weeks from the date on which notice of its approval or confirmation is published in accordance with the provisions of sub-section (2) of this section.

(5) So soon as may be after a scheme or order has become operative, the local authority shall serve a copy thereof on every person on whom a notice was served by

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them of their intention to submit the scheme or order to the Ministry for approval or confirmation.

(6) The provisions of sub-sections (1), (3) and (4) of this section shall apply to the conditions prescribed by any order made by the Ministry or by a local authority under section four of this Act (which relates to the development of estates pending the coming into operation of planning schemes) and to any restrictions or conditions imposed by a local authority by notice under sub-section (5) of section twenty-three of this Act (which relates to clearance orders) as if such order or notice were a clearance order and as if the date of service upon the person aggrieved of such order or notice were the date of the publication of notice of confirmation.

Appeals against awards of arbitrator.

46.—(1) Where an arbitration has been held in pursuance of sub-section (4) of section nine of this Act (which relates to compensation in respect of property injuriously affected by scheme) or sub-section (6) of section thirteen of this Act (which confers power to require removal of structures) the arbitrator, having determined the question referred to him, shall send a statement of his award to the local authority and that authority shall forthwith serve a copy of the statement upon the person whose property is alleged to have been injuriously affected or increased in value.

(2) Where a party named in any such award is dissatisfied with the amount of compensation awarded or with the amount found to be payable on account of the increase or decrease in value of the property concerned, or where the local authority are dissatisfied with any such amount as aforesaid, then, notwithstanding anything contained in section six of the Acquisition of Land (Assessment of Compensation) Act, 1919, such party or local authority may, within one month after the cause of appeal has arisen—

(*a*) appeal to the Supreme Court if the amount of compensation or the amount found to be payable on account of the increase or decrease in value of the property exceeds one thousand pounds; or

(*b*) appeal to the county court having jurisdiction where the property concerned is situate if the amount of compensation or the amount found

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A.D. 1931.

to be payable in respect of the increase or decrease in value of the property does not exceed one thousand pounds, or if in either such case no amount is awarded or found to be payable.

The cause of appeal shall be deemed to have arisen at the date upon which the copy of the statement of the arbitrator's award was served upon the person whose property is alleged to have been injuriously affected or increased in value.

(3) Any party or local authority desiring to appeal against any such award shall—

(*a*) give notice of intention to the other party within ten days after the service of the copy of the statement of the arbitrator's award upon the person whose property is alleged to have been injuriously affected or increased in value; and

(*b*) lodge the appeal within one month after the same date.

Power to make rules of court. 40 & 41 Vict., c. 57. 60 & 61 Vict., c. 66.

47.—(1) Provision may be made by rules of the Supreme Court under section sixty-one of the Supreme Court of Judicature (Ireland) Act, 1877, as amended by the Supreme Court of Judicature (Ireland) (No. 2) Act, 1897, as to the division or court by which appeals or applications made to the Supreme Court under this Act are to be heard and determined, and for regulating the procedure and costs of such appeals and applications, and references in this Act to the Supreme Court shall be construed as references to the division or court so designated.

(2) Rules of court regulating the procedure and costs of any appeal or application to, or payment of money into, the county court under this Act may be made by the authority having power to make rules and orders for regulating the practice of the civil bill courts.

Saving for Postmaster-General. 41 & 42 Vict., c. 76.

48. The expression "Act of Parliament" in section seven of the Telegraph Act, 1878 (which makes provision as to work done in pursuance of Acts of Parliament which involves alteration in telegraphic lines) shall be construed as including a planning scheme under Part I. of this Act.

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A.D. 1931.

Interpretation.

49. References in this Act to enactments of the Parliament of the United Kingdom shall be construed as references to those enactments as they apply in Northern Ireland.

Short title and commencement.

50.—(1) This Act may be cited as the Planning and Housing Act (Northern Ireland), 1931.

(2) Sections twenty-eight to thirty-four inclusive and section thirty-eight of this Act shall come into operation on the first day of January, nineteen hundred and thirty-two, but, save as aforesaid, this Act shall come into operation on the passing thereof.

SCHEDULES.

FIRST SCHEDULE.

PROVISIONS AS TO JOINT COMMITTEES FOR PLANNING SCHEMES. Part I, s. 3.

1. The members of a joint committee shall be appointed at such times and in such manner as may from time to time be fixed by the local authorities appointing them, and shall hold office for such period, not exceeding three years, as may be fixed by those authorities: Provided that any person, on ceasing to be a member of the authority which appointed him, shall thereupon cease to be qualified to be a member of the joint committee.

2. Where a casual vacancy occurs on any joint committee as the result of the death, retirement or disqualification of any member, a person shall forthwith be elected to fill the vacancy by the authority who elected that member, and the person elected in the place of that member shall be a member of the committee until the time when the person in whose place he is elected would regularly have ceased to be a member, and shall then cease to be a member of the committee.

3. No act or proceeding of a joint committee shall be questioned on account of any vacancy in their body or on account of the failure of any local authority to appoint any member or members thereto.

4. A joint committee shall not have the power of making a rate or of borrowing money or of acquiring or holding land.

5. The expenses of a joint committee shall be defrayed by the authorities by whom the members of the committee were appointed in the proportion agreed upon by those authorities, or, failing agreement, in such proportion as may be determined by the Ministry.

6. The accounts of the receipts and payments of every joint committee shall be kept and made up in such manner and form and to such dates as may be prescribed, and shall be audited by a local government auditor designated by the Ministry; and the provisions

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A.D. 1931.

of any enactments applicable to the audit of accounts of rural district councils (including provisions which impose penalties or provide for the recovery of sums) shall apply accordingly to the audit of the accounts of each such committee as if the committee were a rural district council.

7. The provisions of sub-section (15) of section ninety-four of the Local Government (Ireland) Act, 1898, and of article thirty-eight of the Schedule to the Local Government (Application of Enactments) Order, 1898, relating to the appointment of joint committees, shall not apply to joint committees appointed under Part I. of this Act.

8. The provisions of section fifteen of the Local Government (Ireland) Act, 1902, and of any bye laws for the time being in force thereunder, shall apply to joint committees appointed under Part I. of this Act.

SECOND SCHEDULE.

Part I., s. 5

MATTERS WHICH MAY BE DEALT WITH BY PLANNING SCHEMES.

1. Streets, roads and other ways, stopping up or diversion of existing streets and roads, and restriction of number of subsidiary roads leading off main roads.

2. Buildings, structures and erections.

3. Open spaces, private and public.

4. The preservation of objects of historical interest or natural beauty.

5. The control of advertisements.

6. Sewerage, drainage and sewage disposal.

7. Lighting.

8. Water supply.

9. Ancillary or consequential works.

10. Extinction or variation of private rights of way and other easements.

11. Dealing with or disposal of land acquired by the responsible authority or by a local authority.

12. Power of entry and inspection.

13. Power of the responsible authority to remove, alter or demolish any building or work for the purpose of giving effect to a planning scheme.

14. Power of the responsible authority to make agreements with owners, and of owners to make agreements with one another.

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A.D. 1931

15. Power of the responsible authority or a local authority to accept any money or property for the furtherance of the objects of any planning scheme, and provision for regulating the administration of any such money or property.

16. Application, with the necessary modifications and adaptations, of statutory enactments.

17. Carrying out and supplementing the provisions of Part I. of this Act for enforcing schemes.

18 Limitation of time for operation of scheme.

19. Co-operation of the responsible authority with the owners of land included in the scheme or other persons interested.

20. Charging on any land the value of which is increased by the operation of a planning scheme the sum required to be paid in respect of that increase, and for that purpose applying, with the necessary adaptations, the provisions of any enactments dealing with charges for the improvement of land, and suspending the enforcement of any such charge in the case of land to which sub-section (6) of section nine in Part I. of this Act applies.

THIRD SCHEDULE.

MATTERS IN RELATION TO PROCEDURE WHICH MAY BE DEALT WITH BY REGULATIONS OF THE MINISTRY. Part I., s. 6

1. Procedure anterior to the preparation or adoption of schemes:—

(*a*) Preparation and deposit of plans.
(*b*) Publication of notices.

2. Procedure during, on and after the preparation or adoption and before the approval of the scheme:—

(*a*) Submission to the Ministry of the proposed scheme with plans and estimates.
(*b*) Notice of submission of the proposed scheme to the Ministry.
(*c*) Hearing of objections and representations by persons affected, including persons representing architectural or archæological societies or otherwise interested in the amenity of the proposed scheme.
(*d*) Publication of notice of intention to approve scheme and the lodging of objections thereto.

3. Procedure after the approval of the scheme:—

(*a*) Notice to be given of approval of the scheme.
(*b*) Inquiries and reports as to the beginning and the progress and completion of works, and other action under the scheme.

4. Duty, at any stage, of the local authority to publish or deposit for inspection any scheme or proposed scheme, and the plans relating

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A.D. 1931.

thereto, and to give information to persons affected with reference to any such scheme or proposed scheme.

5. The details to be specified in plans and other documents, including, wherever the circumstances so require, the space about buildings, building lines, the restrictions on the number of buildings which may be erected per acre and on the height, character and user, and a standard of net annual value for those buildings.

FOURTH SCHEDULE.

Part I., s. 21. Part II, s. 26.

RESTRICTIONS ON OPERATION OF CERTAIN PROVISIONS OF ACT.

1. Nothing in Part I. of this Act shall authorise the acquisition, for the purposes of any planning scheme, of any land which is the site of an ancient monument or other object of archæological interest, without the consent of the Ministry of Finance.

2. Nothing in Part I. of this Act shall apply to any lands or buildings belonging to any religious body and used by them for religious or ecclesiastical purposes, without the consent of the governing body of the religious body concerned.

3. Nothing in Part I. of this Act or in sub-section (1) of section twenty-six in Part II. thereof shall authorise the acquisition of any land, which is the property of any local authority, or has been acquired, or is used, or in, through or over which any easement or right is enjoyed, by a local authority or by any corporation, company or person for the purposes of a railway, dock, canal, water or other public undertaking, without the consent of such local authority, corporation, company or person:

Provided that such consent shall not be unreasonably withheld, and any question whether or not such consent has been unreasonably withheld shall be determined by the Ministry.

FIFTH SCHEDULE.

Part II., s. 23.

CLEARANCE ORDERS.

1. A clearance order shall be in the prescribed form and shall describe by reference to a map the area to which it applies, and shall fix by reference to the date on which it becomes operative the period, not being less than twenty-eight days from that date, within which the authority require the buildings in the area to be vacated for the purposes of demolition, and for that purpose may fix different periods as respects different buildings.

2. Before submitting the order to the Ministry the local authority shall—

(*a*) publish in one or more newspapers circulating within their district a notice in the prescribed form stating the fact of such an order having been made and describing the area comprised therein and naming a place where a copy of the order and of the map referred to therein may be seen at all reasonable hours; and

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A.D. 1931.

(*b*) serve upon every owner, lessee and occupier (except tenants for a month or a less period than a month) of any building included in the area to which the order relates and, so far as it is reasonably practicable to ascertain such persons, upon every mortgagee thereof, a notice in the prescribed form stating the effect of the order and that it is about to be submitted to the Ministry for confirmation, and specifying the time within and the manner in which objections thereto can be made.

3. So soon as may be after the required notices have been given, the local authority shall submit the order to the Ministry for confirmation.

4. If no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn, the Ministry may, if it thinks fit, confirm the order with or without modification ; but in any other case the Ministry shall, before confirming the order, cause a public local inquiry to be held and shall consider any objection not withdrawn and the report of the person who held the inquiry, and may then confirm the order, either with or without modification :

Provided that the order as confirmed by the Ministry shall not apply to any building to which the order would not have applied if it had been confirmed without modification.

5. The Ministry may confirm an order, notwithstanding that the effect of the modifications made by the Ministry in excluding any buildings from the clearance area is to sever that area into two or more separate and distinct areas, and in any such case the provisions of Part II. of this Act relating to the effect of an order when confirmed, and to the proceedings to be taken subsequent to the confirmation thereof, shall apply as if those areas formed one clearance area

CHAPTER 13.

An Act to amend the provisions of the Education Acts (Northern Ireland), 1923 to 1930, relating to compulsory school attendance.

[13th October, 1931].

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

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A.D. 1931.

Amendment of provisions of 13&14 Geo. 5, c. 21, as to school attendance. 20&21 Geo. 5, c. 14.

1.—(1) In the provisions of Part VI. of the Education Act (Northern Ireland), 1923 (in this Act referred to as "the principal Act"), and in any provisions of the Education Act (Northern Ireland), 1930, amending the said Part VI., the word "school" shall be construed as excluding any school which has been notified by the Ministry to the education authority under and for the purposes of section eighty-eight of the principal Act as amended by this section.

(2) In section eighty-eight of the principal Act for the words "is found" there shall be substituted the words "appears to the Ministry" and the following words shall be inserted after the word "concerned":—

"and a parent may be summoned to appear before the education authority, and a school attendance order may be made upon a parent, under Part VI. of this Act, notwithstanding that his child is in attendance at such school."

Short title, construction and citation.

2. This Act may be cited as the Education Act (Northern Ireland), 1931, and shall be construed as one with the Education Acts (Northern Ireland), 1923 to 1930, and those Acts and this Act may be cited together as the Education Acts (Northern Ireland), 1923 to 1931.

CHAPTER 14.

An Act to consolidate, simplify and amend the Law relating to the Protection of Wild Birds

[13th October, 1931.]

BE it enacted by the King's most Excellent Majesty and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

General Protection of Birds.

Illegal methods of exposing to injury, taking, or killing birds.

1.—(1) It shall be unlawful for any person—

(*a*) to affix, place or set on any pole, tree, or cairn of stones or earth, any spring, trap, gin or other similar instrument calculated to cause bodily injury to any bird coming in contact therewith; or

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(*b*) knowingly to permit or suffer or cause any such instrument to be so affixed, placed, or set; or

(*c*) to take any bird by means of a hook or other similar instrument; or

(*d*) to use any mechanically propelled boat or any aircraft in actual and immediate pursuit of any bird for the purpose of killing, injuring or taking such bird.

(2) If any person is guilty of an offence under the last preceding sub-section he shall be liable on summary conviction to a fine not exceeding twenty-five pounds, or alternatively, or in addition thereto, to imprisonment for any term not exceeding three months.

Illegal methods of taking or confining birds.

2.—(1) If any person uses as a decoy any bird whatsoever, wild or domestic, which is tethered or is confined in a cage or other receptacle, or is secured by means of braces or other similar appliances, or which is blind, maimed or injured, or uses bird-lime or any substance of a like nature for the purpose of taking, or attempting to take, any bird, he shall be guilty of an offence under this Act.

(2) Where any person is convicted of any offence under this section, the court may, in addition to any penalty that may be imposed, order any live decoy bird used by such person for the purpose of taking, or attempting to take, any bird to be forfeited and disposed of as the court may direct.

(3) If any person keeps or confines any bird whatsoever, wild or domestic, in any cage or other receptacle which does not measure sufficient in height, length and breadth to permit the bird freely to stretch its wings, he shall be guilty of an offence under this Act.

This sub-section shall not apply to domestic fowls, ducks, geese, guinea fowls, pigeons and turkeys, or to any other bird, wild or domestic, kept or confined in a cage or other receptacle which does not comply with the conditions specified in this sub-section—

(*a*) whilst being conveyed by land, water or air; or

(*b*) whilst being shown for the purpose of public exhibition or competition, if the time during which it is so kept or confined does not in the whole exceed seventy-two hours.

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A.D. 1931.

(4) If any person is guilty of an offence under this section he shall be liable on summary conviction to a fine not exceeding twenty-five pounds, or alternatively, or in addition thereto, to imprisonment for any term not exceeding three months.

Unlawful to kill or take birds on Sunday.

3. It shall be unlawful for any person to kill or take any bird, or take or knowingly and wilfully disturb the nest or egg of any bird on Sunday, except for the purpose of protecting property, crops, game or fisheries from damage.

Shooting captive birds.

4.—(1) If any person promotes, arranges, conducts, assists in, receives money for, or takes part in any meeting, competition, exhibition, pastime, practice, display or other event whatever at or in the course of which any captive bird whatsoever, wild or domestic, is liberated by hand or by trap, contrivance or other means, for the purpose of being shot at the time of liberation, or being the owner, or occupier, or person in charge of any premises, permits his premises or property or any part thereof to be used for any such purpose, he shall be guilty of an offence under this Act.

(2) If any person is guilty of an offence under the last preceding sub-section, he shall be liable on summary conviction to a fine not exceeding twenty-five pounds, or alternatively or in addition thereto, to be imprisoned for any term not exceeding three months.

Special Protection of many Birds.

Classification of birds for purposes of Act.

5. Subject as hereinafter provided, for the purposes of this Act the birds specified in Part I., Part II. and Part III. of the First Schedule to this Act are classified respectively as being in Category I., Category II. and Category III.; and references in this Act to those Categories shall be construed accordingly:

Provided that the Minister of Home Affairs may, subject to the provisions of this Act relating to the making of orders, by order alter the classification of any bird from one Category to another, or except any bird from classification in any Category, or direct that this Act shall apply to any bird excepted from such classification for special protection under this Act as if such bird were included for such classification, and specify the Category

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under which such bird shall be classified; and on the making of any such order this Act shall have effect accordingly.

Protection of birds according to categories.

6.—(1) Subject to the provisions of this Act, it shall be unlawful for any person—

(*a*) to kill, injure or take, or to use any means for the purpose of killing, injuring or taking, any bird at a time when it is protected; or

(*b*) except in the ordinary course of farming or forestry operations, to take or knowingly and wilfully to disturb any egg or nest at a time when it is protected; or

(*c*) to sell, or expose or offer for sale, or to have in his control or possession, or to transport knowingly, any bird, or the skin or plumage or any part of any bird, or any egg or nest, at a time when a bird, egg or nest in the same Category is protected.

(2) For the purposes of this section—

(*a*) birds classified under this Act as being in Category I. and the eggs and nests of such birds shall be deemed to be protected at all times; and

(*b*) birds classified under this Act as being in Category II. shall be deemed to be protected at all times, but it shall be lawful for the owner or occupier of any land or other person belonging to his household or in his service or authorised in writing signed by him to act on his behalf, to kill or take any such birds on his land when necessary for the protection of his crops, game, fisheries or property from damage. The eggs and nests of such birds shall be deemed to be protected at all times; and

(*c*) birds classified under this Act as being in Category III. shall be deemed to be protected during the close season, and the eggs and nests of such birds shall be deemed to be protected at all times.

Sale for human consumption.

7. If any person during the period when a bird is specially protected under this Act sells, or has in his possession for the purpose of sale, for human con-

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A.D. 1931.

sumption, or has in his possession for human consumption, any such bird or any egg of any such bird, he shall be guilty of an offence under this Act, and shall be liable on summary conviction to a fine not exceeding twenty-five pounds, or alternatively, or in addition thereto, to imprisonment for any term not exceeding three months:

Provided that the Minister of Home Affairs may by order direct that the provisions of this section shall not apply in respect of any bird specified in such order during the period of fifteen days next after the beginning of the close season for such bird:

Provided also that the Minister of Home Affairs may by order direct that any of the provisions of this section or the last preceding section shall not apply in respect of any specified bird killed or taken outside Great Britain or the Irish Free State and imported into Northern Ireland, or any egg of any such bird.

Miscellaneous.

Liberation of imported birds.

8. It shall be unlawful for any person without the leave of the Minister of Home Affairs knowingly to liberate imported birds of any species, but this provision shall not apply to pheasants, partridges, grouse, heath or moor game, black game, snipe or woodcock.

Licences to kill and take birds, &c.

9.—(1) The Minister of Home Affairs shall, subject to the provisions of this Act, have power to grant a licence to any person exempting the holder of the licence from any of the provisions of this Act relating to the killing or taking of birds of any Category, or to the taking or disturbing of the nests or eggs of birds of any Category, for any scientific or educational purposes.

(2) A licence under this section may be granted for such areas, and subject to such conditions, as may be specified in the licence.

Creation of bird sanctuaries.

10.—(1) With a view to the creation of bird sanctuaries the Minister of Home Affairs may, subject to the provisions of this Act relating to the making of orders, by order direct that in any district defined by the order all birds, with or without any specified exceptions, shall in that district be deemed to be classified in Category I., and on the making of any such order this Act shall in that district have effect accordingly:

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A.D. 1931.

Provided that no such order shall be made except with the consent of the owner and occupier of any land comprised in the district to which the order relates.

(2) The provisions of this section shall be without prejudice to the generality of the provisions of this Act empowering the Minister of Home Affairs to alter the classification of any bird, or except any bird from classification or direct that any bird excepted from classification be classified.

Wild Birds Advisory Committee.

11.—(1) There shall be established a Wild Birds Advisory Committee for Northern Ireland consisting of such members as may be appointed by the Minister of Home Affairs.

(2) The duties of the Committee shall be to advise the Minister of Home Affairs upon any questions which he may refer to the Committee in connection with the administration of this Act, or with projected schemes for the protection of birds.

Offences, Penalties and Legal Proceedings.

Offences.

12. Subject to the provisions of this Act any person who—

(*a*) commits, or attempts to commit, any act declared by this Act to be unlawful; or

(*b*) acts, or attempts to act, in contravention of or fails to comply with any orders made under this Act; or

(*c*) being a person in whose case a licence granted under this Act has been cancelled applies for a new licence and conceals the fact that his licence has been so cancelled; or

(*d*) during any period in which a licence granted under this Act to him is suspended, applies for a new licence and conceals the fact that his licence has been so suspended; or

(*e*) being the holder of a licence granted under this Act infringes any of the conditions attached to the licence;

shall be guilty of an offence under this Act.

Penalties.

13.—(1) A person guilty of an offence under this Act shall, unless it is otherwise provided in this Act,

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A.D. 1931.

be liable on summary conviction in respect of a first offence to a fine not exceeding twenty shillings, or in the case of a second or subsequent offence to a fine not exceeding forty shillings or to imprisonment for a period not exceeding one month:

Provided that where an offence under this Act is in respect of more than one bird which is classified under this Act as being in Category I. or in Category II. or in Category III., or in respect of more than one skin, egg, or nest of any such bird, the maximum fine which may be imposed under this Act shall be determined as if the person convicted had been convicted of a separate offence in respect of every bird, skin, egg or nest.

(2) In addition to any other penalty which a court has power to inflict for an offence under this Act the court before which a person is convicted of any such offence shall order that any bird, skin, egg, or nest, in respect of which the offence was committed shall be forfeited, and, if it thinks fit, deposited in a public museum, and shall order the liberation or destruction, as it thinks fit, of any bird illegally taken, and may order that any gun or other instrument in respect of or by means of which the offence was committed shall be forfeited or otherwise dealt with as the court may direct, and may also order that any licence under this Act, held by the person convicted, shall be cancelled, or shall be suspended for such period as may be specified in the order.

Legal Proceedings

14.—(1) Where any person is found in control or possession of any bird, or the plumage or skin or any part of any bird, or the egg or nest of any bird, and it appears to the court before which any proceedings are taken in respect thereof that there is reasonable ground for believing that the bird, egg or nest was killed or taken at a time when it was specially protected under this Act, the bird, egg or nest, as the case may be, shall, unless the person against whom the proceedings are taken satisfies the court that it was not, or that he had reasonable grounds for believing that it was not, so killed or taken, be deemed to have been killed or taken in contravention of this Act.

(2) Where any offence under this Act is committed in or upon any waters running between or forming the boundary between any two counties or petty sessions districts, such offence may be prosecuted before justices in either of such counties or districts.

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(3) All offences under this Act may be prosecuted by an officer or constable of the Royal Ulster Constabulary or by any other person, and all fines thereunder shall be recovered in manner provided by the Summary Jurisdiction (Ireland) Acts, and a person aggrieved by a conviction or order made by a court of summary jurisdiction on determining any information or complaint under this Act, may appeal in manner provided by the Summary Jurisdiction (Ireland) Acts.

(4) A court of quarter sessions shall on an appeal under this Act have power to make any order which a court of summary jurisdiction could have made under this Act, and to confirm, quash or vary an order which has been appealed against:

Provided that no appeal shall lie against an order made under this Act for the liberation or destruction of any bird, or the sale or destruction of any bird, egg or nest.

(5) In all cases of prosecutions for offences under section six of this Act the complaint may be made within twelve months from the time when the cause of complaint has arisen notwithstanding anything contained in the Summary Jurisdiction (Ireland) Acts.

Supplemental.

Powers and duties of officers or constables of the Royal Ulster Constabulary.

15.—(1) Where a person is seen or found offending or is reasonably suspected of offending against this Act, on a highway or in a public place, an officer or constable of the Royal Ulster Constabulary may, without warrant, stop, detain and search him, and if his name and address are not known to the officer or constable, and such person fails to give them to the satisfaction of the officer or constable, the officer or constable may, without warrant, apprehend him; and the officer or constable may, whether so stopping or detaining or apprehending the person or not, detain and examine any bird, egg, nest, gun or other instrument, vehicle, boat, or thing to which the offence or suspected offence relates, and may seize and, pending prosecution, detain any such bird, egg, nest, gun or other instrument.

(2) If any person obstructs or impedes or assists to obstruct or impede an officer or constable in the execution of his duty under this Act the officer or constable may, without warrant, apprehend such person.

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A.D. 1931.

(3) When an officer or constable takes and detains in his custody under the authority of this Act any bird, egg or nest, he shall as soon as conveniently may be —

(*a*) take such steps as may be proper to have the person believed to be guilty of the offence committed, or believed to have been committed, in relation to such bird, egg, or nest brought before a court of summary jurisdiction; and

(*b*) produce such bird, egg, or nest to a justice of the peace who may order such bird to be sold, liberated or destroyed, or such egg or nest to be sold or destroyed.

Where a justice of the peace orders such bird, egg or nest to be sold, and the person from whom it has been taken is convicted of any offence in relation to such bird, egg, or nest, the proceeds of such sale shall be added to and dealt with in the same manner as any penalty imposed for such offence. If no conviction takes place, the bird, egg or nest, or the proceeds of the sale thereof (when such sale has been authorised by a justice of the peace) shall be restored to the person from whom the bird, egg or nest was seized, and no officer or constable who, by direction of a justice in writing, sells or destroys any bird, egg or nest so seized, shall be liable to any legal proceedings for such sale or destruction or for any loss caused by such sale or destruction.

(4) No officer or constable shall be liable for any loss or damage occasioned by or in the course of the exercise of any of the powers conferred on him by this Act, unless such loss or damage was caused by such officer or constable, wantonly or maliciously.

(5) Every person who obstructs or impedes any officer or constable in the exercise of any of the powers conferred on him by this Act, or refuses to give his name and address, or gives an untrue name and address when such name and address are demanded under the powers conferred on an officer or constable under this Act, shall be guilty of an offence under this Act.

(6) An officer or constable shall, if he has reasonable cause to suspect that any offence under this Act has been, is being, or is about to be, committed on any land, have power to enter on the land without the consent of the owner or occupier and inspect the land.

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A.D. 1931

(7) If a justice of the peace is satisfied by information on oath that there is reasonable ground for suspecting that an offence under this Act has been, is being, or is about to be, committed, he may grant a search warrant authorising any officer or constable named therein to enter at any time any house or premises named in the warrant, if necessary by force, and to search the house or premises, and seize and pending prosecution detain any bird, egg, nest, gun or other instrument which he may find in the house or premises in respect of which or in connection with which he has reasonable ground for suspecting that an offence under this Act has been, is being, or is about to be, committed.

Orders of Minister of Home Affairs.

16.—(1) From and after the passing of this Act the Minister of Home Affairs shall, for the purposes of this Act, have power to prescribe from time to time by order :—

(*a*) the variation or revocation of the time of special protection for any bird,

(*b*) the time of special protection for any bird not specially protected in the First Schedule to this Act but which may hereafter be specially protected by order, and

(*c*) any modification of the provisions of this Act with respect to the special protection of the eggs and nests of birds.

(2) The powers by this section conferred on the Minister of Home Affairs shall be deemed to exclude any exercise or further exercise of any like power heretofore conferred on any other person.

(3) Any order made under this section may be made to extend generally or to such district as may be specified in such order.

(4) Orders made under this Act shall have effect as if enacted in this Act.

(5) All orders made by the Minister of Home Affairs under this Act shall be published in the Belfast Gazette and in such other manner as the Minister may direct.

(6) At least one month before making under this Act any order which is to extend generally, the Minister of Home Affairs shall cause notice of the proposal to make the order and of the purport thereof to be published in

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A.D. 1931.

the Belfast Gazette and in such other manner as appears to him to be desirable, and shall consider any objections to the proposal made within such time as may be prescribed in the notice.

Minister of Home Affairs may exhibit orders.

17. The Minister of Home Affairs may cause to be exhibited any order made by him under this Act in such manner as he may direct, with a view to bringing the contents thereof to the notice of the public.

Definitions.

18. In this Act unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say :—

"Bird" means any wild bird or wild fowl, except grouse, partridge, pheasant, heath or moor game, black game, snipe and woodcock ;

"Specially protected" means protected under section six, or by virtue of section sixteen, of this Act ;

"Close season" means the period from the first day of March to the twelfth day of August, or such other period as may be prescribed ;

"Land" includes water ;

"Crops" include fruit and vegetables ;

"Occupier" includes every person having any right of hunting, shooting, fishing or taking game or fish ;

"Highway" includes any public bridge, road, lane, or footway, whether a thoroughfare or not ;

"Public Place" includes any premises or place to which the public for the time being have or are permitted to have access, whether on payment or otherwise.

Repeal.

1 & 2 Geo. 5, c. 27.

19.—(1) Nothing in this Act shall prejudice or affect any enactment applying to birds and contained in the Protection of Animals Act, 1911.

(2) The enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

52 & 53 Vict., c. 63.

(3) Without prejudice to the generality of the provisions of section thirty-eight of the Interpretation Act, 1889, any order, in relation to the protection of any bird, egg or nest to which this Act applies, made by virtue of any enactment repealed by this Act and in force at the

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commencement of this Act shall on and from such commencement cease to have effect.

(4) References in this Act to enactments of the Parliament of the United Kingdom shall be construed as references to those enactments as they apply in Northern Ireland.

Short title and commencement.

20.—(1) This Act may be cited as the Wild Birds Protection Act (Northern Ireland), 1931.

(2) This Act shall come into operation on the first day of January, nineteen hundred and thirty-two.

FIRST SCHEDULE.

PART I.

BIRDS IN CATEGORY I.

All birds, their eggs and nests, shall be specially protected at all times, except the following birds, their eggs and nests :—

Rook,	Bullfinch,
Jackdaw,	Wood Pigeon,
Hooded Crow,	Sparrow Hawk,
Starling,	Great Black-backed Gull,
Magpie,	Lesser Black-backed Gull,
Irish Jay,	Cormorant,
House Sparrow,	Shag,

and also except the birds classified under Parts II. and III. of this Schedule.

PART II.

BIRDS IN CATEGORY II.

The following birds shall be specially protected at all times, except when it is necessary for the owner or occupier of any land, or a person belonging to his household or in his service or authorised in writing signed by him to act on his behalf, for the purpose of protecting the owner's or occupier's crops or property from damage, to kill or take these birds on the land of the owner or occupier; and the eggs and nests of these birds shall be specially protected at all times :—

Blackbird,
Chaffinch, and
Greenfinch.

PART III.

BIRDS IN CATEGORY III.

The following birds shall be specially protected during the close season, that is, from 1st March to 12th August, and their eggs and nests shall be specially protected at all times :—

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A.D. 1931.

Swans (all species),
Geese (all species),
Ducks (all species),
Golden Plover,
Grey Plover,
Common Redshank,
Common Curlew,
Whimbrel,
Rock Dove, and
Stock Dove.

SECOND SCHEDULE.

Section 19.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
43 & 44 Vict., c. 35.	The Wild Birds Protection Act, 1880.	The whole Act.
44 & 45 Vict., c. 51.	The Wild Birds Protection Act, 1881.	The whole Act.
57 & 58 Vict., c. 24.	The Wild Birds Protection Act, 1894.	The whole Act.
2 Edw. 7, c. 6.	The Wild Birds Protection Act, 1902.	The whole Act.
4 Edw. 7, c. 4.	The Wild Birds Protection Act, 1904.	The whole Act.
8 Edw. 7, c. 11.	The Wild Birds Protection Act, 1908.	The whole Act.
16 & 17 Geo. V., c. 29.	The Protection of Animals (Miscellaneous Provisions) Act (Northern Ireland), 1926.	Sections 7, 8, 9 and 10.

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CHAPTER 15.

A.D. 1931.

An Act to raise to two million six hundred thousand pounds the limit on the amount which may be outstanding at any time in respect of the advances by the Ministry of Finance for discharging the liabilities of the current account of the Northern Irish Unemployment Fund; to amend sub-section (2) of section eighteen of the Unemployment Insurance Act (Northern Ireland), 1928, by further extending to forty-eight months the period of twelve months therein mentioned; and to make provision for certain other matters in connection with the extension aforesaid. [13th October, 1931.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Increase of limit on outstanding advances under s. 5 of 16&17Geo.5. c. 1.

1. The limit on the amount which may be outstanding at any time in respect of the advances to be made by the Ministry of Finance under section five of the Unemployment Insurance (Agreement) Act (Northern Ireland), 1926 (as amended by the Unemployment Fund Act (Northern Ireland), 1930, and the Unemployment Insurance Act (Northern Ireland), 1931) for the purpose of discharging the liabilities of the current account of the Northern Irish unemployment fund (in this Act referred to as "the unemployment fund") shall be raised to two million six hundred thousand pounds.

20 &21Geo.5, c. 8.
21 Geo. 5, c. 1.

Further amendment of s. 18 (2) of 18&19Geo.5, c. 3.
19 Geo. 5, c. 7.
20 Geo. 5, c. 22.

2.—(1) The period of twelve months mentioned in sub-section (2) of section eighteen of the Unemployment Insurance Act (Northern Ireland), 1928 (which was extended by the Unemployment Insurance (Transitional Provisions Amendment) Act (Northern Ireland), 1929, to twenty-four months, by the Unemployment Insurance (Amendment) Act (Northern Ireland), 1930, to thirty-six months, and by the Unemployment Insurance Act

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A.D. 1931.

(Northern Ireland), 1931, to forty-two months) shall be further extended to forty-eight months, and the said sub-section shall have effect accordingly.

(2) There shall be paid into the unemployment fund out of moneys provided by Parliament—

(*a*) such amounts as may be determined by the Ministry of Labour, with the concurrence of the Ministry of Finance, to be approximately equivalent to the aggregate amount of the sums which are from time to time paid by way of benefit under the said sub-section (2) as extended by this section; and

(*b*) an amount approximately equivalent to the expenses incurred by the Ministry of Labour in administering the benefit aforesaid.

(3) The amounts paid into the unemployment fund under sub-section (2) of this section shall not be treated as receipts paid into that fund within the meaning of the proviso to sub-section (3) of section twelve of the Unemployment Insurance Act, 1920, and the maximum sum applicable under the said proviso as an appropriation in aid shall be increased by a sum equal to the amount paid into the unemployment fund under paragraph (*b*) of sub-section (2) of this section.

10&11 Geo.5, c. 30.

(4) The provisions of this section may be amended or repealed by any Order in Council made under any Act of the present Session of Parliament.

Short title and citation.

3. This Act may be cited as the Unemployment Insurance (No. 2) Act (Northern Ireland), 1931, and shall be included amongst the Acts which may be cited together as the Unemployment Insurance Acts (Northern Ireland), 1920 to 1931.

CHAPTER 16.

An Act to amend sub-section (4) of section nine of the Workmen's Compensation Act (Northern Ireland), 1927. [13th October, 1931.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Nor-

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thern Ireland in this present Parliament assembled, and by the authority of the same, as follows :— A.D. 1931.

Amendment of 17 & 18, Geo. 5, c. 16. s. 9 (4).

1.—(1) Sub-section (4) of section nine of the Workmen's Compensation Act (Northern Ireland), 1927, is hereby repealed, and the following sub-section shall be substituted therefor :—

"(4) If a workman who has so far recovered from the injury as to be fit for employment of a certain kind has failed to obtain employment and it appears to the judge of the county court either—

(i) that, having regard to all the circumstances, it is probable that the workman would, but for the continuing effects of the injury, be able to obtain work in the same grade in the same class of employment as before the accident ; or

(ii) that his failure to obtain employment is a consequence, wholly or mainly, of the injury,

the judge shall order that the workman's incapacity shall be treated as total incapacity resulting from the injury for such period, and subject to such conditions, as may be provided by the order, without prejudice, however, to the right of review conferred by this Act :

Provided that—

(i) no order shall be made under this sub-section if it appears to the judge that the workman has not taken all reasonable steps to obtain employment ; and

(ii) every such order shall be made subject to the condition that it shall cease to be in force if the workman receives benefit, or similar payments, under the enactments relating to unemployment insurance."

(2) As from the passing of this Act the provisions of the sub-section so substituted as aforesaid shall apply in any case where the accident happened on or after the first day of January, nineteen hundred and twenty-four, and an application for weekly payments to be reviewed in accordance with those provisions may be made, notwithstanding that there has not been any change in the condition of the workman or any change of circumstances other than the passing of this Act.

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A.D. 1931.

Short title

2. This Act may be cited as the Workmen's Compensation Act (Northern Ireland), 1931, and the Workmen's Compensation Act (Northern Ireland), 1927, and this Act may be cited together as the Workmen's Compensation Acts (Northern Ireland), 1927 and 1931.

CHAPTER 17.

An Act to amend section one of the Widows', Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1929, so as to define for the purposes of the said section one the meaning of the expression "normal occupation," and so as to entitle to widows' pensions the widows of men who attained the age of seventy on or before the fifteenth day of July, nineteen hundred and twelve, and died on or after the fourth day of January, nineteen hundred and twenty-six, and whose normal occupation was, at some time within three years before the date on which they attained the said age, of a certain kind; to amend the provisions of the Widows', Orphans' and Old Age Contributory Pensions Acts (Northern Ireland), 1925 and 1929, with respect to adopted children and the pensions of patients of unsound mind; to explain the extent to which the National Health Insurance Act, 1924, applies in the administration of the said Acts; and for purposes consequential upon the purposes aforesaid. [24th November, 1931.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Amendments in s. 1 of 20 Geo. 5, c. 17.

1.—(1) Section one of the Widows', Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1929, shall be amended as follows :—

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A.D. 1931.

(*a*) After sub-section (4) thereof there shall be added the following sub-section:—

"(5) A man who was at the commencement of the period of three years immediately preceding his death, or, if he lived to attain the age of seventy, at the commencement of the period of three years immediately preceding the date on which he attained that age, either—

(*a*) incapable of work by reason of some specific disease or bodily or mental disablement; or

(*b*) available for but unable to obtain such employment as is hereinafter mentioned;

shall, if his normal occupation immediately before he became incapable of work or ceased to be employed was employment in respect of which contributions under the principal Act would have been payable if that Act had been in force at that time, be deemed to be a man whose normal occupation was at some time during the said period such employment as aforesaid."

(*b*) For paragraph (*c*) of sub-section (1) thereof there shall be substituted the following paragraphs:—

"(*c*) who having attained the age of seventy after the fifteenth day of July, nineteen hundred and twelve, and before the fourth day of January, nineteen hundred and twenty-six, died on or after the latter date and was at the time of his death or would, if he had survived the second day of July, nineteen hundred and twenty-six, have been, entitled to an old age pension under the Old Age Pensions Acts (Northern Ireland), 1908 to 1925, by virtue of section twenty of the principal Act; or

(*d*) who having attained the age of seventy on or before the fifteenth day of July, nineteen hundred and twelve, died on or after the fourth day of January, nineteen hundred

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A.D. 1931.

"and twenty-six, and as respects whom it is shown that his normal occupation was at some time within three years before the date on which he attained the said age, employment in respect of which contributions under the principal Act would have been payable if that Act had been in force at that time:"

(*c*) In proviso (ii) of sub-section (1) thereof, for the words "or paragraph (*c*)" there shall be substituted the words "paragraph (*c*) or paragraph (*d*)."

(2) This section shall be deemed to have had effect as from the second day of January, nineteen hundred and thirty, and awards of pensions shall be made accordingly, and awards may be made by virtue of this sub-section on claims made before the date of the commencement of this section and notwithstanding that the claims were rejected before that date.

(3) Any sums which are payable by virtue of this section on account of old age pensions payable under the Old Age Pensions Acts (Northern Ireland), 1908 to 1925, shall be paid out of moneys provided by Parliament.

Provisions with respect to adopted children. 20 Geo. 5, c. 15.

2. Where a child was, prior to the commencement of the Adoption of Children Act (Northern Ireland), 1929, in the custody of and being brought up, maintained, and educated by two spouses jointly as their child under a de facto adoption and continued until the commencement of the said Act to be in the custody of, and to be brought up, maintained and educated by the spouses or the surviving spouse, then, if the child has (whether before or after the twenty-ninth day of September, nineteen hundred and thirty-one) been adopted under the provisions of the said Adoption of Children Act by the surviving spouse, the child shall, as from the date of such adoption or the twenty-ninth day of September, nineteen hundred and thirty-one, whichever is the later, be treated for the purposes of the Widows', Orphans' and Old Age Contributory Pensions Acts (Northern Ireland), 1925 and 1929, as amended by this Act, as being the child of those spouses and as not being the child of any other person:

Provided that—

(i) this section shall not apply in the case of a child in respect of whom an additional

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A.D. 1931.

allowance or orphan's pension was payable at the date of his adoption, or, if he was adopted before the twenty-ninth day of September, nineteen hundred and thirty-one, at that date;

(ii) this section shall not apply in any case where the adoption order has been granted on an application presented after the thirty-first day of July, nineteen hundred and thirty-two.

Amendment of provisions with respect to certain patients of unsound mind.

3. The following section shall be substituted for section twelve of the Widows', Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1929:—

"**12.**—(1) Any pension which a patient of unsound mind to whom this section applies may be entitled to receive shall be administered as follows:

(*a*) Unless and until regulations are made for the purposes of paragraph (*b*) of this sub-section, the pension shall, up to such amount as may be prescribed by regulations, be paid to the local authority to be applied by them in providing additional comforts for the patient, and the remainder of the pension shall be applied by the Ministry of Labour for the benefit of such dependants of the patient as are not contributing to the expenses incurred by the local authority in respect of the patient's support;

(*b*) If regulations so prescribe, the pension shall be paid to such local body or committee, having power to administer poor relief or similar assistance, as may be designated by the regulations, and shall be administered by that body or committee as if it were a pension to be administered under paragraph (*a*) of this sub-section;

(*c*) Notwithstanding anything in paragraph (*a*) or paragraph (*b*) of this sub-section, where the patient has no such dependants as are mentioned in the said paragraph (*a*), then such sum only as may be required for the purpose of providing additional comforts

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A.D. 1931.

" for the patient shall be paid or applied under this section.

(2) Regulations for the purpose of this section shall be made under sub-section (1) of section thirty of the principal Act, but so that the Ministry of Home Affairs shall be consulted before they are made.

(3) This section applies to any patient of unsound mind who is detained in a public mental hospital or other place wholly or partly at the cost of public funds.

(4) For the purposes of paragraph (*b*) of section twenty-two of the principal Act, any sum accruing due on account of a pension which a patient of unsound mind to whom this section applies is entitled to receive shall, notwithstanding his incapacity to give a receipt therefor, be regarded as becoming payable on the date on which it would have become payable if he had not been so incapacitated.

(5) In this section—

the expression 'local authority' means the committee or joint committee of management of a public mental hospital:

the expression 'public mental hospital' means a lunatic asylum within the meaning of the Local Government (Ireland) Act, 1898:

61 & 62 Vict., c. 37.

the expression 'patient of unsound mind' means a person (not being a criminal lunatic) detained as a lunatic in accordance with the provisions of the Lunacy (Ireland) Acts, 1821 to 1901, as amended by any enactment for the time being in force."

Explanation of the extent to which the Insurance Act applies in the administration of the Contributory Pensions Acts. 14 & 15 Geo. 5, c. 38.

4. It is hereby declared that for the purposes of the Widows', Orphans' and Old Age Contributory Pensions Acts (Northern Ireland), 1925 and 1929, as amended by this Act, the National Health Insurance Act, 1924, is to be construed without regard to the provisions of any order under section twenty of the last-mentioned Act:

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A.D. 1931.

Provided that this section shall not affect any pension determined before the twenty-ninth day of September, nineteen hundred and thirty-one.

Short title, construction, and citation.

5.—(1) This Act may be cited as the Widows', Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1931, and shall be construed as one with the Widows', Orphans' and Old Age Contributory Pensions Acts (Northern Ireland), 1925 and 1929; and those Acts and this Act may be cited together as the Widows', Orphans' and Old Age Contributory Pensions Acts (Northern Ireland), 1925 to 1931.

CHAPTER 18.

An Act to continue certain Expiring Laws as respects Northern Ireland.

[22nd December, 1931.]

WHEREAS the Acts (whether passed by the Parliament of the United Kingdom or by the Parliament of Northern Ireland) mentioned in the Schedule to this Act are, in so far as they are in force in Northern Ireland and are temporary in their duration, limited to expire on the thirty-first day of December, nineteen hundred and thirty-one:

And whereas it is expedient to provide for the continuance as in this Act mentioned of those Acts, and of the enactments amending or affecting the same:

Be it therefore enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Continuance of Acts in Schedule.

1.—(1) The Acts mentioned in the several Parts of the Schedule to this Act shall, to the extent specified in column three of that Schedule, be continued as respects Northern Ireland until the thirty-first day of December, nineteen hundred and thirty-two, and shall then expire unless further continued.

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A.D. 1931.

(2) Any unrepealed enactments amending or affecting the enactments continued by this Act shall, in so far as they are temporary in their duration, be continued in like manner, whether they are mentioned in the Schedule to this Act or not.

Short title and construction.

2.—(1) This Act may be cited as the Expiring Laws Continuance Act (Northern Ireland), 1931.

(2) References in this Act to any enactments of the Parliament of the United Kingdom shall be construed as references to those enactments as they apply in Northern Ireland.

(3) Nothing in this Act shall be construed as affecting any enactment in so far as the enactment relates to a matter with respect to which the Parliament of Northern Ireland has not power to make laws.

SCHEDULE.

PART I.

Enactments of the United Kingdom Parliament continued in their Duration.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(1)			
33 & 34 Vict., c. 112.	The Glebe Loan (Ireland) Act, 1870.	The whole Act.	34 & 35 Vict., c. 100. 49 & 50 Vict., c. 6.
(2)			
4 & 5 Geo. 5, c. 3.	The Grey Seals Protection Act, 1914.	The whole Act.	—
(3)			
4 & 5 Geo. 5, c. 78.	The Courts (Emergency Powers) Act, 1914.	So far as it relates to orders made by any court before the thirty-first day of August, nineteen hundred and twenty-two.	5 & 6 Geo. 5, c. 19. 6 & 7 Geo. 5, c. 13. 6 & 7 Geo. 5, c. 18. 7 & 8 Geo. 5, c. 25. 9 & 10 Geo. 5, c. 64. 10 & 11 Geo. 5, c. 5. 14 & 15 Geo. 5, c.21 (Northern Ireland).

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SCHEDULE—(continued).

PART I.—(continued).

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(4) 8 & 9 Geo. 5, c. 34.	The Statutory Undertakings (Temporary Increase of Charges) Act, 1918.	The whole Act.	10 & 11 Geo. 5, c. 14.
(5) 10 & 11 Geo. 5, c. 21.	The Harbours, Docks, and Piers (Temporary Increase of Charges) Act, 1920.	The whole Act.	—
(6) 10 & 11 Geo. 5, c. 57.	The Unemployment (Relief Works) Act, 1920.	The whole Act.	—
(7) 10 & 11 Geo. 5, c. 65.	The Employment of Women, Young Persons, and Children Act, 1920.	Section two.	—

PART II.

Enactments of the Parliament of Northern Ireland continued in their Duration.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(1) 12 Geo. 5, c. 5.	The Local Government (Emergency Powers) Act, 1921 (N.I.).	The whole Act.	—
(2) 15 & 16 Geo. 5, c. 7.	The Canals (Continuance of Charging Powers) Act (Northern Ireland), 1925.	The whole Act.	—

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A.D. 1931.

CHAPTER 19.

An Act to extend the provisions of the Assurance Companies Act, 1909, in its application to underwriters. [22nd December, 1931.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Provisions as to underwriters carrying on business in Northern Ireland.

9 Edw. 7, c. 49.

1.—(1) Where a person being a member of Lloyd's, or of any other association of underwriters approved by the Ministry of Commerce, furnishes proof to the satisfaction of the said Ministry that he has complied and continues to comply with the requirements of the Eighth Schedule to the Assurance Companies Act, 1909 (as that Act applies in Great Britain), in respect of any class or classes of assurance business carried on or proposed to be carried on in Great Britain, such person shall be entitled to carry on business of the same class or classes in Northern Ireland, and shall in relation thereto be deemed to have complied with the requirements of the Eighth Schedule to the said Act as it applies in Northern Ireland.

20 & 21 Geo. 5, c. 24.

(2) The expression "authorised insurer" in sub-section (2) of section seven of the Motor Vehicles and Road Traffic Act (Northern Ireland), 1930, shall include an underwriter carrying on business in Northern Ireland by virtue of the provisions of sub-section (1) of this section.

Short title, construction and citation.

2. This Act may be cited as the Assurance Companies (Underwriters) Act (Northern Ireland), 1931, and shall be construed as one with the Assurance Companies Acts (Northern Ireland), 1909 and 1924, and those Acts and this Act may be cited together as the Assurance Companies Acts (Northern Ireland), 1909 to 1931.

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CHAPTER 20.

A.D. 1931.

An Act to confirm and give effect to an agreement relating to the Agricultural Research Station for Northern Ireland. [22nd December, 1931.]

WHEREAS an agreement dated the second day of December, nineteen hundred and thirty, was made between the Ministry of Finance of the first part, the Ministry of Agriculture of the second part and the Agricultural Research Institute of Northern Ireland (in this Act referred to as "the Institute") of the third part, supplemental to an indenture (in this Act referred to as "the principal indenture") dated the twenty-eighth day of October, nineteen hundred and twenty-six, and made between the Ministry of Finance of the first part, the Ministry of Agriculture of the second part and James Scott Gordon, James Pimlott, Josias Cunningham, George Scott Robertson, Robert Rae, William Robert Morrow, Alexander John McDonnell Pilkington, John Martin Mark and Harold Adrian Milne Barbour of the third part, which said agreement is set forth in the Schedule to this Act, and is in this Act referred to as "the scheduled agreement":

And whereas by the scheduled agreement it was agreed that the principal indenture should be varied so as to permit the Institute to use and occupy another part of the lands referred to in the scheduled agreement as "the Great Park" in place of part of the lands which the Institute was permitted to use and occupy under the principal indenture:

And whereas the provisions of the scheduled agreement cannot take effect without the authority of Parliament:

Be it therefore enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same as follows:—

Confirmation of agreement and exemption of agreement from stamp duty.

1.—(1) The scheduled agreement is hereby confirmed and shall have effect as if enacted in this Act.

(2) No stamp duty shall be charged on the scheduled agreement.

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A.D. 1931.

Short title, construction and citation. 17 Geo. 5, c. 1.

2. This Act may be cited as the Agricultural Research Station Act (Northern Ireland), 1931, and shall be construed as one with the Agricultural Research Station Act (Northern Ireland), 1927, and that Act and this Act may be cited together as the Agricultural Research Station Acts (Northern Ireland), 1927 and 1931.

SCHEDULE.

THIS INDENTURE made the Second day of December, 1930, between the Ministry of Finance for Northern Ireland (hereinafter called the Ministry of Finance) of the first part the Ministry of Agriculture for Northern Ireland (hereinafter called the Ministry of Agriculture) of the second part and the Agricultural Research Institute of Northern Ireland (hereinafter called the "Institute") of the third part supplemental to an Indenture hereinafter called the principal indenture dated 28th day of October, 1926, and made between the Ministry of Finance of the first part the Ministry of Agriculture of the second part and James Scott Gordon, James Pimlott, Josias Cunningham, George Scott Robertson, Robert Rae, William Robert Morrow, Alexander John McDonnell Pilkington, John Martin Mark, Harold Adrian Milne Barbour (thereinafter called the Trustees) of the third part AND WHEREAS the Agreement contained in the principal Indenture was confirmed by the Agricultural Research Station Act (Northern Ireland), 1927, and the Trustees named in the principal Indenture and new trustees to be appointed in pursuance of the provisions thereof were by the said Act of 1927 constituted a body corporate called by the name of the Agricultural Research Institute of Northern Ireland with perpetual succession and a common seal AND WHEREAS under the provisions of the principal Indenture the Ministry of Finance permitted the Institute to use and occupy a part of the great Park situate at Hillsborough in the County of Down containing 485 acres 2 roods and 13 perches for the purposes therein set out AND WHEREAS certain lands comprised within the said part of the said Great Park coloured purple on the map attached hereto containing 9 acres have been found by the Institute unsuitable for its purposes and the Institute with the consent and approval of the Ministry of Agriculture has requested the Ministry of Finance to permit the Institute to use and occupy other lands being part of the said Great Park coloured brown on map attached hereto containing 15 acres in lieu of the said lands coloured purple which the Ministry of Finance has agreed to do on the Institute surrendering to the Ministry the lands coloured purple NOW THIS INDENTURE WITNESSETH that it is hereby agreed by and between the parties hereto as follows:—

1. The Institute hereby surrenders to the Ministry of Finance the part of the said Great Park coloured purple on the map attached hereto containing 9 acres statute measure or thereabouts.

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A.D. 1931.

2. The Ministry of Finance shall permit the Institute to use and occupy the part of the said Great Park coloured brown on the map attached hereto containing 15 acres statute measure or thereabouts for the purposes of the principal Indenture in place of the part of the said Great Park hereby surrendered to the Ministry of Finance.

3. The Ministry of Finance may from time to time hereafter after consultation with the Ministry of Agriculture permit the Institute to use and occupy other parts of the said Great Park instead of the area set out in that behalf in the principal Indenture and this deed but so that the total area of the said Great Park in the use and occupation of the Institute may not at any time exceed by five per cent. the area which under the provisions of the principal Indenture the Institute were permitted to use and occupy.

4. These presents are conditional on their confirmation by an Act of Parliament of Northern Ireland.

5. Except as varied by this Indenture and by the Agricultural Research Station Act (Northern Ireland), 1927, the principal Indenture shall continue in full force and effect.

In Witness whereof the parties hereto have hereunto affixed their seals the day and year first hereinbefore written.

The Official Seal of the Ministry of Finance was hereunto affixed in presence of—

G. C. DUGGAN,
Assistant Secretary.

(SEAL)

The Official Seal of the Ministry of Agriculture was hereunto affixed in presence of—

JAMES SCOTT GORDON,
Secretary.

(SEAL)

The Common Seal of the Institute was hereunto affixed in presence of—

ROBERT RAE,
R. W. HALE,
Secretary.
W. ROBT. MORROW.

(SEAL)

CHAPTER 21.

An Act to apply a Sum out of the Consolidated Fund of Northern Ireland to the service of the year ending on the thirty-first day of March, nineteen hundred and thirty-two, and to appropriate the further Supplies granted in this Session of Parliament. [22nd December, 1931.]

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A.D. 1931.

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, for the purpose of making good the supply and applying the sums which the House of Commons have, in pursuance of recommendations from the Governor of Northern Ireland, granted to His Majesty in this Session of Parliament, as follows :—

GRANT OUT OF CONSOLIDATED FUND.

Issue of £180,700 out of the Consolidated Fund.

1. The Ministry of Finance may issue out of the Consolidated Fund of Northern Ireland, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, nineteen hundred and thirty-two, the sum of one hundred and eighty thousand, seven hundred pounds.

Power for the Ministry of Finance to borrow.

2.—(1) The Ministry of Finance may borrow from any person, by the issue of Treasury Bills or otherwise, on the credit of the said sum, any sum or sums not exceeding in the whole one hundred and eighty thousand pounds.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March, nineteen hundred and thirty-two, and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills) shall not apply with respect to those Bills.

40 & 41 Vict., c. 2.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with any interest due thereon, out of the growing produce of the said Consolidated Fund at any date not later than the quarter next succeeding to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer of Northern Ireland, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

APPROPRIATION OF GRANT.

Appropriation of grant.

3. The sum granted by this Act out of the said Consolidated Fund towards making good the supply granted to His Majesty is appropriated for the several services and purposes expressed in the Schedule of this Act.

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In addition to the sum granted by this Act out of the said Consolidated Fund, the sum specified in the last column of the said Schedule may be applied as an appropriation in aid of the grant for the service in connection with which such sum is specified.

Short title.

4. This Act may be cited as the Appropriation (No. 2.) Act (Northern Ireland), 1931.

SCHEDULE.

SCHEDULE of sums granted, and of sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March, 1932, viz. :—

	Sums Granted.	Appropriations in Aid.
CLASS IV.	£	£
No.		
3. For the contributions to the Unemployment Fund under the Unemployment Insurance Acts (Northern Ireland), 1920 to 1931, for the making of transitional payments, and for the Exchequer equalisation grant to the Unemployment Fund under the Unemployment Insurance (Agreement) Acts (Northern Ireland), 1926 and 1929 ..	140,000	—
4. For grants to local authorities, etc., for assistance in carrying out approved schemes to provide employment; for expenses in connection with Training Centres; and for advances to workpeople for fares under the Labour Exchanges Act, 1909, as amended by the Unemployment Insurance Acts (Northern Ireland), 1920 to 1931	40,700	700

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CHAPTER 22.

An Act to authorise the writing off of certain sums from the assets of the Government Loans Fund.

[22nd December, 1931.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Certain debts not to be reckoned as assets of the Government Loans Fund.

15 & 16 Geo. 5, c. 17.

1. Whereas it is expedient that the principal of the loans specified in the tables contained in the Schedule to this Act should, to the extent specified in the last column of those tables, not be reckoned as assets of the Government Loans Fund established under the Government Loans and Exchequer Provisions Act (Northern Ireland), 1925:

Now, therefore, the principal of the said loans to the extent aforesaid shall be written off from the assets of the Government Loans Fund, and the provisions of section eight of the said Act shall, so far as applicable, apply thereto.

Short title.

2. This Act may be cited as the Government Loans Act (Northern Ireland), 1931.

SCHEDULE.

LOANS BY THE DEPARTMENT OF AGRICULTURE AND TECHNICAL INSTRUCTION FOR IRELAND.

Loans for Sea and Inland Fisheries Development under the Agriculture and Technical Instruction (Ireland) Act, 1899, (62 & 63 Vict., c. 50, Part II.) administered by the Ministry of Finance for Northern Ireland under the Administrative Provisions Act (Northern Ireland), 1926, (16 Geo. 5, c. 4).

Name of Borrower.	Amount of Loan.	Amount to be written off.
	£ s. d.	£ s. d.
Mr. Michael McCurdy and Mr. Michael Black	285 0 0	160 10 4
Mr. John McCartan and Mr. William Cunningham ..	160 0 0	7 13 10

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A.D. 1931.

Name of Borrower.	Amount of Loan.	Amount to be written off.
	£ s. d.	£ s. d.
Mr. John Heaney and Mr. George Nugent	350 0 0	267 3 11
Mr. Samuel John Teggarty ..	250 0 0	102 2 7
Mr. James Boyd	50 10 0	24 8 6
Mr. John Russell and Mr. Frank Robert Russell ..	1,500 0 0	418 11 11

LOANS BY THE MINISTRY OF FINANCE FOR NORTHERN IRELAND.

Loans for Sea and Inland Fisheries Development under the Administrative Provisions Act (Northern Ireland), 1926, (16 Geo. 5, c. 4) and the Exchequer and Financial Provisions Act (Northern Ireland), 1926, (16 & 17 Geo. 5, c. 27).

Name of Borrower.	Amount of Loan.	Amount to be written off.
	£ s. d.	£ s. d.
Mr. Henry J. Doyle	70 0 0	1 11 5

Loans for Agricultural Development under the Exchequer and Financial Provisions Act (Northern Ireland), 1923, (13 Geo. 5, c. 4) and the Exchequer and Financial Provisions Act (Northern Ireland), 1926, (16 & 17 Geo. 5, c. 27).

Name of Borrower.	Amount of Loan.	Amount to be written off.
	£ s. d.	£ s. d.
Mr. James Lennon	35 0 0	32 15 9
The Ulster Farmers' Produce Society, Limited	15,000 0 0	9,526 1 8

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A.D. 1931.

CHAPTER 23.

An Act to amend sub-section (3) of section three of the National Health Insurance Act, 1924, and to make financial provision in connection with such amendment, and to amend section twelve of the said Act as that section applies in Northern Ireland by virtue of section three of the National Health Insurance Act (Northern Ireland), 1930.

[22nd December, 1931.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same as follows:—

Prolongation of periods of insurance in the case of certain employed contributors. 18&19 Geo. 5, c. 14. 21 Geo. 5, c. 6.

1. Where a person was immediately before the first day of January, nineteen hundred and thirty-two, insured as an employed contributor under the provisions of sub-section (3) of section three of the principal Act, or under the said sub-section as applied by regulations made under section twenty-three of the National Health Insurance Act, 1928, or as amended by section one of the National Health Insurance Act (Northern Ireland), 1931, he shall continue to be treated as an employed contributor remaining by virtue of the said sub-section insured under the principal Act until the prescribed day, if he satisfies the requirement contained in paragraph (*a*) of the said sub-section and also proves within the prescribed time that, throughout the period during which by virtue of the said sub-section, or of the said sub-section as so applied or amended as aforesaid, he remained insured under the principal Act, he was when not employed within the meaning of that Act either available for, but unable to obtain, employment within the meaning of that Act, or incapable of work by reason of some specific disease or bodily or mental disablement of which notice was given within the prescribed time.

In this section the expression "prescribed day" means the thirty-first day of December, nineteen hundred and thirty-two, or such later day, not being later than the thirty-first day of March, nineteen hundred and thirty-

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three, as may be prescribed by regulations made with the consent of the Ministry of Finance. A.D. 1931.

Financial provision

2.—(1) There shall, in respect of every person, being a member of an approved society, to whom the foregoing provisions of this Act apply, be paid out of moneys provided by Parliament to the fund out of which the benefits to which that person is entitled are provided, and, subject to the retention thereout of the amounts mentioned in section sixty-seven of the principal Act, credited to the account in that fund of the approved society of which that person is a member, a sum equal to thirty-six contributions at the rate in the case of a man of ninepence, and in the case of a woman of eightpence halfpenny.

(2) For the purpose of section four of the principal Act the sums paid under this section in respect of any person shall be deemed to be contributions paid under the principal Act by or in respect of that person.

Amendment of s. 12 of 14 & 15 Geo. 5, c. 38. 20 & 21 Geo. 5, c. 13.

3. Sub-section (4) of section twelve of the principal Act as that section applies in Northern Ireland by virtue of section three of the National Health Insurance Act (Northern Ireland), 1930, shall have effect as if after the words "insured person," where those words occur in the second paragraph of the said sub-section, there were added the words "entitled to medical benefit".

Short title and construction.

4.—(1) This Act may be cited as the National Health Insurance (No. 2) Act (Northern Ireland), 1931, and shall be included among the Acts which may be cited together as the National Health Insurance Acts (Northern Ireland), 1924 to 1931.

(2) This Act shall be construed as one with the principal Act.

(3) In this Act the expression "the principal Act" means the National Health Insurance Act, 1924, as that Act applies in Northern Ireland, and references to the principal Act shall be construed as references to that Act as amended in its application to Northern Ireland by any subsequent enactment.

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A.D. 1931.

CHAPTER 24.

An Act to amend the law relating to Death Duties, Stamp Duty, the levying of certain Duties of Excise, and the Public Debt; and to make further provision in connection with Finance.

[22nd December, 1931.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Death Duties.

Death duties on property subject to an annuity which has been surrendered. 57 & 58 Vict., c. 30.

1. In the case of a person dying after the commencement of this Act, property which was subject to an annuity or other periodical payment limited to cease on the death of the deceased shall, for the purposes of the Finance Act, 1894, be deemed to pass on the death of the deceased to the extent of the benefit which would accrue from the cesser of that annuity or other payment notwithstanding that the annuity or other payment has been surrendered, assured, divested or otherwise disposed of during the lifetime of the deceased, whether for value or not, to or for the benefit of the person entitled to the property, unless the surrender, assurance, divesting or disposition was bona fide made or effected three years before the death of the deceased and the person entitled to the annuity or other payment was not at any time within that period in receipt of any substituted annuity or other periodical payment limited to cease on his death, being an annuity or payment which was secured, whether by contract or otherwise, to him in return for the surrender, assurance, divesting or disposition.

Exemption from death duties of objects of national, scientific, historic, or artistic interest.

2.—(1) Where there pass on the death of a person dying after the commencement of this Act any objects to which this section applies, the value of those objects shall not be taken into account for the purpose of estimating the principal value of the estate passing on the death or the rate at which estate duty is chargeable thereon, and those objects shall, while enjoyed in kind, be exempt from death duties.

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(2) In the event of the sale of any objects to which this section applies, death duties shall, subject as hereinafter provided, become chargeable on the proceeds of sale in respect of the last death on which the objects passed and, as respects estate duty, at the rate appropriate to the principal value of the estate passing on that death upon which estate duty is leviable, and with which the objects would have been aggregated if they had not been objects to which this section applies, and the person by whom or for whose benefit the objects were sold shall be accountable for the duties and shall deliver an account for the purposes thereof within one month after the sale :

Provided that death duties shall not become chargeable as aforesaid if the sale is to any such museum, art gallery or similar institution, being open to the public, as may be prescribed by the Ministry of Finance for the purposes of this proviso.

(3) The objects to which this section applies are such pictures, prints, books, manuscripts, works of art, scientific collections or other things not yielding income as on a claim being made to the Ministry of Finance under this section appear to that Ministry to be of national, scientific, historic, or artistic interest.

(4) Nothing in this section shall affect the power of the Ministry of Finance under sub-section (2) of section fifteen of the Finance Act, 1894, to remit death duties chargeable in respect of any objects to which that section applies.

(5) In this section the expression "death duties" means estate duty, succession duty, legacy duty and every other duty leviable or payable on a death.

(6) The following enactments are hereby repealed, except as regards persons dying before the commencement of this Act, that is to say :—

Section twenty of the Finance Act, 1896;	59 & 60 Vict., c. 28.
Section sixty-three of the Finance (1909-10) Act, 1910;	10 Edw. 7. & 1 Geo. 5, c. 8.
Section forty-four of the Finance Act, 1921.	11 & 12 Geo. 5, c. 32.

Stamp Duty.

Stamp duty on guarantee for payment of rent.

3. An instrument guaranteeing the payment of the rent reserved on any letting of lands or tenements (in this section referred to as a "guarantee") shall be charged with the same stamp duty as if it were a lease :

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Provided that where the Ministry of Finance is satisfied that lease duty has been duly paid upon some instrument relating to the same letting as that to which a guarantee relates, such guarantee shall be charged only with such duty, other than lease duty, as it may be liable to.

Amendment of s. 42 of 10&11Geo.5, c. 18 as to stamp duty.

4. For the definition of "dealer" in sub-section (3) of section forty-two of the Finance Act, 1920 (which relates to reduction of stamp duty in the case of certain transfers of stocks, etc.) there shall be substituted the following definition:—

"The expression 'dealer' means a person who, being a member of a stock exchange in the United Kingdom, is recognised by the committee of that exchange as carrying on the business of a dealer."

Excise Licence Duty.

Provisions as to recovery of excise duties on licences for mechanically propelled vehicles. 10&11 Geo.5, c. 72. 7 & 8 Geo. 4, c. 53.

5. It is hereby declared that, notwithstanding anything contained in sub-section (2) of section one of the Roads Act, 1920, a warrant obtained by a county council or their officers under the Excise Management Act, 1827, as applied for the purpose of levying the duties of excise for the time being in force on licences for mechanically-propelled vehicles, may be executed under section ninety-two of the last-mentioned Act in a county other than the county of such council.

Rating Relief Suspense Account.

Transfer from Reserve Fund to Rating Relief Suspense Account. 20 Geo. 5, c. 2. 20&21Geo.5, c. 17.

6. Sub-section (1) of section two of the Finance Act (Northern Ireland), 1929, shall apply to the sum of one hundred thousand pounds mentioned in section three of the Exchequer and Financial Provisions (No. 2) Act (Northern Ireland), 1930, and accordingly there shall be transferred from the Reserve Fund to the Rating Relief Suspense Account in the financial year ending on the thirty-first day of March, nineteen hundred and thirty-two, such an amount as the Ministry of Finance may certify to represent, at the time of transfer, the said sum with appropriate interest thereon.

Road Fund.

Transfer from Road Fund to Exchequer.

7. There shall, in accordance with the directions of the Ministry of Finance, be transferred from the Road

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A.D. 1931.

Fund (Northern Ireland) to the Exchequer of Northern Ireland in the financial year ending on the thirty-first day of March, nineteen hundred and thirty-two, a sum not exceeding one hundred and twenty thousand pounds.

Power to make temporary advances to Road Fund.

8.—(1) The Ministry of Finance may at any time within any financial year temporarily advance to the Road Fund (Northern Ireland) out of the Consolidated Fund of Northern Ireland or the growing produce thereof such sums, not exceeding in the aggregate the estimated income of the said Road Fund for the said year, as may from time to time be required for the purpose of making any payments properly falling to be made out of the said Road Fund.

(2) Any sums advanced under this section shall be charged on the said Road Fund, and repaid thereout to the Exchequer of Northern Ireland before the end of the said year.

Ulster Savings Certificates.

Power to extend currency of, and to issue securities in exchange for, savings certificates.

9.—(1) Notwithstanding anything in any enactment relating to savings certificates, or in any regulations made under any enactment or any conditions relating to the issue of savings certificates, the Ministry of Finance may from time to time direct that the currency of any savings certificates issued on or before the thirtieth day of November, nineteen hundred and twenty-three, shall be prolonged until a date not later than the thirtieth day of November, nineteen hundred and forty-three, on such conditions as to interest and otherwise as may be specified in the direction:

Provided that nothing in this section shall prejudice the right of any holder of a savings certificate, if he so desires, to have the amount payable under the certificate paid to him on or before maturity.

(2) The Ministry of Finance may make arrangements for enabling the holders of any savings certificates to exchange them (whether on or before maturity) for Ulster Loans Stock or other securities or for savings certificates of an issue later than that of the certificates to be exchanged, and for the purposes of any such exchange may provide for the issue of such new securities as the Ministry thinks fit and for the cancellation of any savings certificates received in exchange.

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A.D. 1931

(3) The principal of, and interest on, any new securities issued under this section, and any expenses certified by the Ministry of Finance to have been incurred in connection with the issue thereof, shall be charged on the Consolidated Fund of Northern Ireland or the growing produce thereof.

(4) The Ministry of Finance may make rules for carrying into effect the provisions of this section as to the issue of new securities and the exchange of savings certificates.

(5) In this section the expression "savings certificates" means Ulster Savings Certificates and the expression "currency," in relation to a savings certificate, means the period at the expiration of which the certificate is required to be redeemed or repaid.

Supplemental.

Short title and construction.

10.—(1) This Act may be cited as the Finance Act (Northern Ireland), 1931.

(2) References in this Act to enactments of the Parliament of the United Kingdom shall be construed as references to those enactments as they apply in Northern Ireland.

CHAPTER 25.

An Act to amend the Drainage Acts (Northern Ireland), 1925 and 1929. [18th February, 1932.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Provision for funding of certain expenses of Bann drainage scheme.

1.—(1) There shall be charged on and paid out of the Consolidated Fund of Northern Ireland, or the growing produce thereof, the amount of such of the expenses incurred, on or after the first day of April, nineteen hundred and thirty-one, by the Ministry of Finance in connection with the scheme for reducing flooding on Lough Neagh and the River Bann as are expenses of the scheme within the meaning of section thirteen of the

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A.D. 1931.

Drainage Act (Northern Ireland), 1929 (in this Act referred to as "the Act of 1929"); and, for the purpose of providing money to defray such charges, or for repaying to the said Consolidated Fund any moneys issued in respect of such charges, the Ministry of Finance may, if it thinks fit, borrow any sum by means of Government Loans, terminable annuities or other securities for any period or periods not exceeding twenty-five years from the date of borrowing. 20 Geo. 5, c. 20.

(2) The principal of and interest on any Government Loan issued under this section shall be paid out of moneys provided by Parliament.

(3) Any annuities created for the purpose of such borrowing by the Ministry of Finance shall be paid out of moneys provided by Parliament, and, if those moneys are insufficient, shall be a charge on and payable out of the said Consolidated Fund or the growing produce thereof.

(4) The principal of and interest on any other securities issued for the purpose of such borrowing shall be a charge on and payable out of the said Consolidated Fund or the growing produce thereof.

(5) Section thirteen of the Act of 1929 shall have effect subject to the provisions of this section.

Contributions by urban district councils to drainage works. 15&16 Geo. 5, c. 24.

2. An urban district council may make annual or other contributions towards any of the expenses of carrying out or maintaining drainage works undertaken in pursuance of a scheme under Part I. of the Drainage Act (Northern Ireland), 1925 (in this Act referred to as "the Act of 1925"); and the amount of any such contributions shall be raised as part of the expenses of the urban district council incurred by them in execution of the Public Health (Ireland) Acts, 1878 to 1918; and the making of such contributions, other than annual contributions, shall be a purpose for which an urban district council may borrow money in accordance with the provisions of the said Public Health (Ireland) Acts.

The provisions of this section shall be without prejudice to the provisions of sub-section (4) of section five of the Act of 1925.

Power of county council to recover expenses of cleansing watercourses.

3.—(1) In sub-section (2) of section twelve of the Act of 1925 (as amended by section twenty-two of the Act of 1929) for the words "be recoverable" there shall be substituted the words "may, without prejudice to any other remedy, be recovered".

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A.D. 1931.

(2) Any sum determined by a county council under sub-section (2) of the said section twelve to be a debt due to them by any person may be recovered from him in the same manner and by the same remedies as if it were poor rate made in respect of the hereditament consisting of or including the lands on which the watercourse is or through which it runs.

(3) The said section twelve shall have effect as if the following sub-section were added thereto :—

"(6) For the purposes of this section the expression 'scour out and cleanse' shall be deemed to include the cutting, topping or removal of any bush, shrub or tree causing, or likely to cause, or contributing to the causing of, a material obstruction to the flow of any watercourse."

(4) The powers of a county council under the said section twelve may be exercised through a committee of members of the council appointed by the council.

Short title and construction.

4.—(1) This Act may be cited as the Drainage Act (Northern Ireland), 1931.

(2) This Act shall be construed as one with the Drainage Acts (Northern Ireland), 1925 and 1929, and those Acts and this Act may be cited together as the Drainage Acts (Northern Ireland), 1925 to 1931.

CHAPTER 26.

An Act to make provision for the periodical revaluation of rateable property in Northern Ireland, and otherwise to amend the law relating to the valuation of such property.

[18th February, 1932.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

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A.D. 1932

General Revaluation of Rateable Hereditaments.

Provision for quinquennial making of general revaluation

1.—(1) The Commissioner of Valuation shall make a general revaluation, throughout Northern Ireland, of rateable hereditaments under the Irish Valuation Acts as soon as may be after the passing of this Act, and shall subsequently make such general revaluations from time to time, so that the interval between the dates on which one general revaluation and the succeeding general revaluation respectively come into force shall be a period of five years.

(2) The first general revaluation shall be issued by the Commissioner of Valuation on the prescribed day after the completion thereof, and shall come into force on the first day of April in the next following year. Each subsequent general revaluation shall be issued by the said Commissioner on or before the first day of March, and come into force on the first day of April, in the fifth year after the year in which the previous general revaluation came into force.

(3) The Ministry of Finance shall make regulations—

(*a*) prescribing the day on which the first general revaluation shall be issued;

(*b*) providing that notice of the first general revaluation shall be given to such persons, and in such form, as may be prescribed;

(*c*) prescribing the method of issuing general revaluations;

(*d*) providing that public notices shall be given before and after the issue of a general revaluation;

(*e*) providing that a complete set of the lists containing a general revaluation shall be deposited in some suitable place for record purposes.

(4) Each general revaluation shall supersede all former revisions of valuation or general revaluations.

(5) Subject to the provisions of this Act, the Commissioner of Valuation, in making a general revaluation, shall proceed in the same manner as in the case of a general revision of valuation in a county under section thirty-four of the Act of 1852. Subject as aforesaid, every valuator or other officer appointed under the Irish

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A.D. 1932.

Valuation Acts, and every secretary of a county council, clerk of an urban district council or rate collector, shall perform all acts required to be done by him for the purposes of a general revaluation under this Act in the same manner and within the same periods of time as in the case of a general revision of valuation under the said section thirty-four, and for those purposes the said Commissioner, and every such valuator, officer, secretary, clerk or collector, shall have the same powers, duties and immunities, and be subject to the same liabilities and obligations, as in the case of such general revision.

(6) Section thirty-four of the Act of 1852 (except so far as it is necessary for the purposes of this section) and section sixty-five of the Local Government (Ireland) Act, 1898, shall cease to have effect.

61 & 62 Vict., c. 37.

Exception of agricultural land and agricultural buildings from general revaluation.

2. The valuation of every rateable hereditament (or part of a hereditament), being agricultural land or agricultural buildings, shall be ascertained in accordance with the provisions of the First Schedule to this Act.

Appeals against general revaluation.
23 & 24 Vict., c. 4.
60 & 61 Vict., c. 17.

3.—(1) Sections seventeen to twenty-three, inclusive, of the Act of 1852, and sections ten and eleven of the Annual Revision of Rateable Property (Ireland) Amendment Act, 1860 (as amended by the Supreme Court of Judicature (Ireland) Act, 1897) shall apply in the case of a general revaluation under this Act.

(2) The council of any county or urban district shall have the like right to appeal (with the sanction of the Ministry of Home Affairs) from the valuation of any hereditament made by the Commissioner of Valuation at a general revaluation under this Act as they have to appeal in cases to which the Valuation (Ireland) Act, 1864, applies.

27 & 28 Vict. c. 52.

Making of rate according to revaluation.

4.—(1) The county and urban district council shall, in any year in which valuation lists containing a general revaluation are issued to them, make any rate made by them after the first day of March in that year according to the said lists, and may levy and recover any sum due on account of any rate so made, notwithstanding any pending appeal or any notice of appeal with respect to valuation; but where the valuation of any hereditament is altered on

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A.D. 1932.

appeal the council shall, if the valuation is decreased, repay any sum paid in respect of the rate in excess of the sum which would have been payable if the valuation had originally stood as altered on appeal, and if the valuation is increased may levy the rate on the amount of the increase.

(2) Paragraph (*n*) of article thirty-seven of the Local Government (Adaptation of Irish Enactments) Order, 1899, shall apply to the making of a rate by the county or urban district council in any year not being a year in which valuation lists containing a general revaluation are issued to them.

(3) Notwithstanding anything in the foregoing provisions of this section, in the year in which the prescribed day for the issue of the first general revaluation falls, the valuation lists shall be issued on or before the first day of March, and the rate shall be made according to those lists, under the enactments in force immediately before the passing of this Act; and in the next following year the rate shall be made according to the valuation lists containing the first general revaluation, as revised by the Commissioner of Valuation in pursuance of this Act.

(4) Section twenty-seven of the Act of 1852 shall cease to have effect.

(5) Nothing in this section shall be construed as affecting the provisions of section thirteen of the Belfast Corporation Act (Northern Ireland), 1925.

15&16 Geo. 5, c. iii.

Temporary appointment of additional judge in connection with appeals on first general revaluation.

5.—(1) If the Governor of Northern Ireland is satisfied that the Recorder of Belfast is unable, by reason of the duties imposed upon him in connection with appeals from valuations made by the Commissioner of Valuation at the first general revaluation under this Act, to transact the business of his courts with proper dispatch, the said Governor may appoint the judge of the county court of any other county or county borough, or a practising barrister of not less than ten years' standing, to act as additional judge of the first-mentioned courts or any of them, during such period or periods of time as the said Governor may direct, and subject to any conditions which the said Governor may impose. Any additional judge so appointed shall have all the powers, jurisdiction and privileges, and may perform any of the

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A.D. 1932.

duties, of the Recorder of Belfast whether in connection with the aforesaid appeals or otherwise.

In this section the expression "Recorder of Belfast" means the Recorder of Belfast and County Court Judge and Chairman of Antrim.

(2) There shall be paid out of moneys provided by Parliament to any additional judge appointed under this section such remuneration and expenses as may be determined by the Minister of Home Affairs with the consent of the Ministry of Finance.

Amendments of the Valuation Acts.

Amendment as to valuation of property other than agricultural land and agricultural buildings.

6.—(1) Every rateable hereditament (or part of a hereditament) not being agricultural land shall be valued in the manner directed by section eleven of the Act of 1852 with respect to houses and buildings, that is to say, the valuation shall be made upon an estimate of the net annual value as defined in the said section, but subject, as respects agricultural buildings, to the provisions of the First Schedule to this Act.

(2) Where any hereditament consists partly of agricultural land, the Commissioner of Valuation, in estimating the net annual value of that part of the hereditament which is to be valued in the manner directed by section eleven of the Act of 1852, shall take into account any element of value due to the occupation of the part of the hereditament which is such agricultural land as aforesaid.

Abolition of assessment on half rents.

7.—(1) A half rent shall cease to be a rateable hereditament, and the proviso to section two of the Act of 1854, and so much of section twelve of the Act of 1852 as relates to half rents, shall cease to have effect.

(2) Where any hereditament is distinguished in the valuation lists by the Commissioner of Valuation in pursuance of section two of the Act of 1854 and exempt from assessment under the said section, and—

(*a*) the hereditament is occupied by a tenant under a contract of tenancy made before the date on which the first general revaluation under this Act comes into force; and

(*b*) the hereditament was at the date of making of such contract of tenancy occupied or used, or

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intended to be occupied or used, for any such service or purposes as are specified in the said section two; and

(*c*) the landlord of the hereditament would, apart from this section, be liable for poor rate on the half rent;

then the landlord shall, during the continuance of such contract of tenancy, be liable to pay to the tenant, or allow by way of deduction from each payment of his rent, a sum, in respect of the period for which such rent is paid, equal to a proportionate part of the poor rate on the half rent calculated at the rate in the pound current in the year preceding the year in which the first general revaluation under this Act comes into force:

Provided that this section shall not apply in the case of any contract of tenancy by which it was agreed that the poor rate on the half rent should be paid by the tenant.

(3) In this section, the expression "half rent" means half the annual rent derived by the owner or other person interested in any hereditament distinguished in the valuation lists in pursuance of section two of the Act of 1854 and exempt from assessment by virtue of that section, and the expression "landlord" means an owner or other such person as aforesaid deriving rent in respect of the hereditament.

Amendment as to unit to be separately valued.

8. Notwithstanding anything contained in the Irish Valuation Acts, contiguous hereditaments in the occupation of one and the same occupier may, if the Commissioner of Valuation thinks proper having regard to the circumstances in any case, be valued for the purposes of those Acts as one rateable hereditament although held under two or more immediate lessors under different contracts of tenancy.

Amendment as to appeals to Commissioner of Valuation.

9.—(1) A notice of appeal to the Commissioner of Valuation under section nineteen of the Act of 1852 (whether in respect of a list relating to a general revaluation or in respect of the list mentioned in section thirty-one of the Act of 1852) shall set forth in writing the alteration which is desired in the valuation appealed against and the reasons why that valuation requires alteration.

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A.D. 1932.

(2) A notice of appeal under the said section nineteen, in respect of a list relating to the first general revaluation received from the Commissioner of Valuation by the secretary of a county council or clerk of an urban district council, may be sent or delivered to such secretary or clerk within forty-five days from and after the receipt of the list by such secretary or clerk:

Provided that, as respects the county boroughs of Belfast and Londonderry or either of them, the Ministry of Finance, if it thinks fit, may by regulations prescribe that for the purposes of this sub-section some longer period not exceeding ninety days shall be substituted for forty-five days.

(3) If, in an appeal to the Commissioner of Valuation in respect of a list relating to a general revaluation, the cause of appeal is such as to require alteration to be made in the valuation of any hereditament for which any person other than the appellant is liable to be rated, then the appellant shall send or deliver a copy of the notice of appeal to such other person as aforesaid and such other person shall, if he so desires, be heard upon the appeal.

(4) An appeal under the said section nineteen in respect of a list relating to a general revaluation shall not lie against any valuation of agricultural land or agricultural buildings unless that valuation has been revised in the course of the annual revision immediately preceding the issue of the said general revaluation or has been changed in pursuance of the provisions of this Act. In a case where such an appeal lies against any valuation of agricultural land, it shall be subject to the same limitation as to total valuation as is imposed by section five of the Act of 1854, as amended by this Act, in the case of an annual revision.

Amendment as to appeals from Commissioner of Valuation to quarter sessions.

10. A notice of appeal to quarter sessions under section twenty-two of the Act of 1852 (whether in respect of a list relating to a general revaluation or in respect of the list mentioned in section thirty-one of the Act of 1852) shall set forth in writing the alteration which is desired in the valuation appealed against and the reasons why that valuation requires alteration.

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A D. 1932.

Amendment of ss. 4 and 5 of 17 & 18 Vict., c. 8 as to hereditaments to be included in annual revision.

11.—(1) Sections four and five of the Act of 1854, which relate to the annual revision of valuation, shall continue to have effect as respects each year (whether a general revaluation is proceeding in that year or not), but shall be subject to the provisions of this Act.

As respects the year in which the first general revaluation is issued, the valuations to be subject to revision in pursuance of sections four and five of the Act of 1854 shall be those appearing in the lists relating to the general revaluation and not the valuations appearing in the valuation lists which come into force in the said year.

(2) It shall be the duty of the collector of poor rate to include, subject to the provisions aforesaid, in the list which he is required to make out and deliver under section four of the Act of 1854 all hereditaments the value of which in his opinion may require revision, whether for any of the reasons mentioned in the said section or for the reason that there has been a change in the user of the hereditament or in the character of the locality where the hereditament is situate, or for any other reason (whether similar or not to those hereinbefore mentioned) affecting the valuation of the hereditament.

(3) In section five of the Act of 1854 for the words "the lands independently of buildings" there shall be substituted the words "agricultural land independently of other hereditaments," and the total valuation of agricultural land as mentioned in that section may be increased or lessened so far as is rendered necessary by the provisions of this Act.

(4) The Commissioner of Valuation may make such adjustments in valuation as may be necessary to comply with the provisions of the Boundary Survey (Ireland) Acts, 1854 to 1859.

Administration of the Valuation Acts.

Power of Commissioner of Valuation to require returns.

12.—(1) The Commissioner of Valuation may serve a notice in writing on the occupier, owner, lessee or grantee of any rateable hereditament, or any person receiving rent in respect thereof as agent for another person, or on any one or more of such persons, requiring him or them to make a return containing such particulars

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A.D. 1932.

as may be reasonably required for the purpose of carrying out any valuation under the Irish Valuation Acts or this Act.

(2) Every person on whom a notice to make a return is served in pursuance of the provisions of this section shall, within twenty-one days after the date of the service of the notice, make a return in such form as is required by the notice and deliver it in manner so required to the Commissioner of Valuation.

(3) If any person on whom notice has been served in pursuance of the provisions of this section fails, without reasonable excuse, to comply with the notice, he shall on summary conviction be liable in respect of each offence to a fine not exceeding twenty pounds and to a further penalty not exceeding forty shillings for each day during which the default continues after conviction.

(4) If any person wilfully makes, or causes to be made, a return under this section which is false in any material particular, such person shall, without prejudice to any liability to be proceeded against under any other enactment, be liable on summary conviction in respect of each offence to a fine not exceeding fifty pounds.

Power of occupier, etc. to submit estimates of value.

13. The occupier, owner, lessee or grantee of any rateable hereditament may, if he thinks fit, furnish to the Commissioner of Valuation an estimate of the value thereof, and the said Commissioner in making his valuation of the hereditament shall take into his consideration any estimate so furnished.

Obstruction to exercise of power of entry.

14. If any person obstructs or impedes the Commissioner of Valuation or any valuator or other person, acting in the exercise of his powers under section ten of the Act of 1852 to enter upon any premises after giving such notice as is required by the said section, the person so obstructing or impeding shall be liable on summary conviction to a fine not exceeding twenty pounds.

Regulations as to publication of lists and notices.

15. The Ministry of Finance may make regulations prescribing the method of publication of any lists or notices required by the Irish Valuation Acts or this Act to be published by the secretary of a county council or clerk of an urban district council, and, as respects

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A.D. 1932.

any lists or notices to which the regulations apply, the provisions of the Irish Valuation Acts shall have effect as modified or extended by the regulations.

Expenses of Annual Revision and Revaluation.

Repayment by counties and county boroughs of portion of expenses of annual revision.

16.—(1) The annual sum to be repaid by each county or county borough to the Ministry of Finance, in respect of any annual revision of the valuation of rateable property taking place after the first day of March, nineteen hundred and thirty-two, shall, subject to the provisions of sub-sections (2) and (3) of this section, be the sum set forth in relation to such county or county borough in the Second Schedule to this Act.

(2) The Ministry of Finance shall ascertain and certify the annual expense of the annual revision of the valuation of rateable property in each county and county borough taking place in the second period of twelve months next after the coming into force of each general revaluation under this Act, and one-half of the sum so certified in relation to a county or county borough shall be the sum to be repaid by such county or county borough, under this section and the enactments therein mentioned, in respect of each of the five annual revisions taking place after the coming into force of the said general revaluation, but subject to adjustment under the next following sub-section.

(3) Upon any alteration of the boundaries of a county or county borough, the Ministry of Finance shall make such adjustments (if any) in the annual sums to be repaid by any of the counties and county boroughs under this section and the enactments therein mentioned as may be necessary by reason of such alteration of boundaries.

(4) The provisions of sections two and three of the Valuation (Ireland) Amendment Act, 1874, shall have effect as amended by this section.

37 & 38 Vict., c. 70.

Repayment by counties and county boroughs of portion of expenses of revaluation.

17.—(1) There shall be payable by the several counties and county boroughs to the Ministry of Finance, in respect of the expense of each general revaluation under this Act, such sum as may be certified by the said Ministry to be equal to one-fourth of the said expense or a sum of thirty thousand pounds, whichever may be the lesser. The said sum shall be apportioned

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A.D. 1932.

between the several counties and county boroughs according to their respective rateable valuations as appearing in the lists containing the general revaluation in respect of which the said sum is payable, and as finally revised on appeal.

(2) As respects the first general revaluation under this Act, the Ministry of Finance may at any time after the first day of April, nineteen hundred and thirty-three, make provisional certificates for the purposes of this section, and may apportion any sum provisionally certified between the several counties and county boroughs according to their respective rateable valuations as appearing in the valuation lists in force for rating purposes at the date of such certificate.

(3) So much of any sum certified under sub-section (1) or sub-section (2) of this section as is apportioned to a county or county borough shall be payable, and may be recovered, as if it were a sum to be paid under section three of the Valuation (Ireland) Amendment Act, 1874.

(4) Sums apportioned as aforesaid under a provisional certificate shall be payable on account of any sums finally certified and apportioned, and where a sum finally certified and apportioned is less than any sum provisionally certified and apportioned, any excess paid on account shall be refunded to the county or county borough concerned.

(5) In determining rateable valuations for the purposes of this section, the valuation of any agricultural land shall be excluded.

Supplemental.

Valuation of railways.

18.—(1) This Act, in its application to any railway hereditament, shall be subject to the provisions of any Act of the next ensuing session of Parliament relating to the valuation of railways.

(2) Subject to the provisions aforesaid, the valuation of every railway hereditament shall be entered in the valuation lists containing the first or any subsequent general revaluation under this Act at the amount and according to the area and other particulars appearing in the last preceding valuation lists issued by the Commissioner of Valuation :

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A.D. 1932.

Provided that the said Commissioner may make such changes in the said amount, area, or other particulars as may be necessary—

(i) in order to complete the annual revision of valuation made during the year immediately preceding the issue of the lists containing a general revaluation ; or

(ii) in order to make a valuation of any hereditament not being a railway hereditament.

(3) An appeal under section nineteen of the Act of 1852 in respect of a list relating to a general revaluation shall not lie against any valuation of a railway hereditament, unless that valuation has been revised in the course of the annual revision immediately preceding the issue of the said general revaluation or has been changed in pursuance of the provisions of this Act.

Provisional valuations under local Acts.

19.—(1) On or before the first day of January in the year following that in which the first general revaluation is issued by the Commissioner of Valuation, the clerk of any urban district to which this section applies shall furnish to the said Commissioner a list of any buildings of which the urban district council have caused a provisional valuation to be made, and the said Commissioner shall estimate the annual value of each of such buildings aforesaid for rating purposes in accordance with the enactments in force immediately before the passing of this Act, and shall, not later than the first day of March in the said year, issue to the urban district council a list showing the annual value of each such building. The said list shall be published by the clerk of the urban district council, and the annual value of any building contained therein shall have effect for the purposes of the rate made in the then last preceding year but shall be subject to appeal, in the same manner as if the said list had been issued by the said Commissioner under section five of the Act of 1854.

(2) This section applies to any urban district in which the urban district council have power, under any local Act for the time being in force, to make provisional valuations of buildings for rating purposes pending the inclusion of such buildings in the valuation lists issued by the Commissioner of Valuation ; and in this section the expression " provisional valuation " shall be construed accordingly, and the list to be issued under this section by

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A.D. 1932.

the said Commissioner shall be deemed to be the revised valuation list for the purposes of any such local Act.

Application of Act for purpose of assessment of Belfast Water Rates.

20. For the purpose of enabling the Belfast City and District Water Commissioners (in this section referred to as "the water commissioners") to assess their domestic and public water rates according to the lists containing a general revaluation under this Act, the following provisions shall have effect:—

(*a*) The Commissioner of Valuation, when issuing the lists containing a general revaluation, shall furnish to the water commissioners a copy of so much of those lists as relates to hereditaments within the water commissioners' district of supply;

(*b*) The water commissioners may levy and recover any sum due on account of any domestic or public water rate made according to the said lists, notwithstanding any pending appeal or any notice of appeal with respect to valuation, but where the valuation of any hereditament is altered on appeal the water commissioners shall, if the valuation is decreased, repay any sum paid in respect of the water rate in excess of the sum which would have been payable if the valuation had originally stood as altered on appeal, and if the valuation is increased may levy the water rate on the amount of the increase;

(*c*) Notwithstanding anything contained in the Belfast Water Acts, 1840 to 1929, the water commissioners, if they so resolve, may, as respects the period of twelve months beginning on the first day of November prior to the date for the coming into force of the first general revaluation under this Act, make—

(i) two domestic water rates, the first for the five months ending on the thirty-first day of March following the said first day of November, and made according to the valuation lists in force on the last-mentioned day, and the second for the seven months ending on the thirty-first day of October next following, and made according to the lists containing the general revaluation and

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A.D. 1932

(ii) two public water rates for the same two periods, and made according to the same lists, respectively;

and the provisions of the said Acts with respect to the payment of annual sums for water rate shall apply to the payment of sums due on account of any water rate levied by virtue of this provision.

Interpretation.

21.—(1) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"The Act of 1852" and "the Act of 1854" mean respectively, the Valuation (Ireland) Act, 1852, and the Valuation (Ireland) Act, 1854:

"Agricultural land" means any hereditament or portion thereof which—

(*a*) is situate outside the boundary of any urban district, and is mainly farm (including pastoral) land, demesne, market gardens, nursery grounds, orchards or allotments or plantation or wood, or is used for the growth of saleable underwood, or is a plot, garden, or allotment provided under the Labourers Acts (Northern Ireland) 1883 to 1930, or

(*b*) is situate within the boundary of an urban district, and used as farm (including pastoral) land, market gardens, nursery grounds, orchards or allotments, or as a plantation or a wood, or for the growth of saleable underwood, and is not land which is part of an ornamental park, garden or pleasure ground, nor land used mainly or exclusively for purposes of sport or recreation:

"Agricultural buildings" means agricultural buildings as defined in section two of the Rating and Valuation (Apportionment) Act (Northern Ireland), 1928:

"Valuation lists" means, unless the context otherwise requires, the revised valuation lists which the Commissioner of Valuation is required by the Irish Valuation Acts or by this Act to transmit to the secretary of each county council and the clerk of each urban district council to be in force for rating purposes on the first day of April in any year:

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A.D. 1932.

"Hereditament" means a rateable hereditament as defined in section twelve of the Act of 1852, as amended by this Act, and includes any tenement requiring to be valued under the Irish Valuation Acts:

"Railway hereditament" means a separate hereditament occupied by a railway company for the purposes of its undertaking but does not include—

(*a*) any hotel, refreshment room, dwelling house residence, town office or town receiving depot;

(*b*) any premises used and occupied for the purposes of subsidiary services (other than those connected with the local collection and delivery of parcels, goods, or merchandise conveyed or to be conveyed by rail) carried on by such company for the purpose of road, sea or other transport;

(*c*) any waterworks, electric light works, power works or gas works, unless the same are used mainly to supply the undertaking;

(*d*) any store, building, or premises let by such company, or, if unused, capable of being so let:

"Urban district" and "urban district council" include, respectively, a county borough or other borough and the council of any such borough, and "clerk" includes the town clerk of a borough:

"Commissioner of Valuation" means the officer to whom the Minister of Finance has, for the time being, in pursuance of sub-section (3) of section one of the Ministries of Northern Ireland Act, 1921 [N.I.], assigned, for exercise and performance, the powers and duties transferred to the Ministry of Finance from the Commissioner of Valuation and Boundary Surveyor for Ireland.

12 Geo. 5, c. 6.

(2) Nothing in this section shall be construed as affecting the meaning of the expression "agricultural land" for the purposes of the Rating and Valuation (Apportionment) Act (Northern Ireland) 1928, and the Local Government (Rating and Finance) Act (Northern Ireland), 1929.

18&19 Geo. 5, c. 30.
20 Geo. 5, c. 10.

(3) References in this Act to enactments of the Parliament of the United Kingdom shall be construed as references to those enactments as they apply in Northern Ireland.

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A.D. 1932.

Without prejudice to the generality of the foregoing provision, references in this Act to the Irish Valuation Acts, or any enactment of those Acts, shall be construed as including references to any enactment of the Local Government (Ireland) Act, 1898, or any Order in Council made by the Lord Lieutenant under section one hundred and five of that Act, amending or adapting the Irish Valuation Acts.

61 & 62 Vict., c. 37.

Repeal.

22. The enactments set out in the Third Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Savings.

23.—(1) The coming into operation of any provision of this Act shall not affect any proceedings taken by way of appeal to any court against or in respect of the valuation of any hereditament and pending at the date on which such provision comes into operation, and paragraph (*n*) of article thirty-seven of the Local Government (Adaptation of Irish Enactments) Order, 1899, shall apply in the case of any such pending appeal.

(2) Nothing contained in this Act shall affect the operation of section twenty-two of the Telegraph Act, 1868, or section one hundred and ninety-four of the Public Health (Ireland) Act, 1878.

31 & 32 Vict., c. 110.
41 & 42 Vict., c. 52.

Declaration of intention as to review of the effect of first revaluation.

24. It is hereby declared that it is the intention of this Act that as soon as the effect of the first general revaluation upon the valuation of rateable property is ascertained, provision shall be made for a review of the capacity of the local rates based upon such valuation to bear the expenditure required by the law then in force to be defrayed out of those rates.

Commencement of Act.

25.—(1) The provisions of sections six, seven, eight, nine, ten, eleven and twenty-two of this Act shall come into operation on such day as may be appointed by the Minister of Finance, and that Minister may appoint different days for different purposes and for different provisions of any of the said sections.

(2) Save as aforesaid, this Act shall come into operation on the passing thereof.

Digitized by Google

A.D. 1932.

Short title, construction and citation.

26. This Act may be cited as the Valuation Acts Amendment Act (Northern Ireland), 1932, and shall be construed as one with the Irish Valuation Acts and any Act amending those Acts; and the said Acts and this Act may be cited together as the Valuation Acts (Northern Ireland), 1852 to 1932.

SCHEDULES.

Sections 2, 6 (1).

FIRST SCHEDULE.

PROVISIONS AS TO VALUATION OF AGRICULTURAL HEREDITAMENTS.

1. The valuation of every rateable hereditament (or part of a hereditament) being agricultural land shall be entered in the lists containing the first revaluation or any subsequent general revaluation under this Act, at the amount and according to the area and other particulars appearing in the last preceding valuation lists issued by the Commissioner of Valuation:

Provided that the said Commissioner may make such changes in the said amount, area or other particulars as may be necessary

(i) in order to complete the annual revision of valuation made during the year immediately preceding the issue of the lists containing a general revaluation; or

(ii) in order to make a valuation of any hereditament not being wholly agricultural land.

2.—(1) The valuation of every rateable hereditament (or part of a hereditament) distinguished as agricultural buildings in the valuation lists in force during the year preceding the issue of the first revaluation shall, subject to the provisions of sub-sections (2) and (3) of this Article, be entered in the lists containing the first revaluation at the amount appearing in the said valuation lists:

Provided that the Commissioner of Valuation may make any such change in the said amount as may be necessary—

(i) in order to complete the annual revision during the year immediately preceding the issue of the first revaluation; or

(ii) in order to make a valuation of any hereditament not being wholly agricultural buildings.

(2) Where, in the case of any hereditament (or part of a hereditament) to which sub-section (1) of this Article applies, it is found that, notwithstanding that the buildings are wholly agricultural buildings, the valuation of agricultural buildings has been entered in the last-mentioned valuation lists (by reason of section three of the Rating and Valuation (Apportionment) Act (Northern Ireland), 1928) at one-third of the total valuation appearing in the valuation lists in force on the first day of April, nineteen hundred and twenty-nine, then in that case the amount to be entered in the lists containing the first revaluation shall be the total valuation hereinbefore mentioned.

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(3) Where, in the case of any hereditament (or part of a hereditament) to which sub-section (1) of this Article applies, it is found that, by reason of section three of the Rating and Valuation (Apportionment) Act (Northern Ireland), 1928, the valuation of agricultural buildings has been entered in the valuation lists in force during the year preceding the issue of the first revaluation at one-third of the total valuation appearing in the valuation lists in force on the first day of April, nineteen hundred and twenty-nine, and that no part of the hereditament is used as agricultural buildings, then in that case the valuation of such agricultural buildings shall not be entered in the lists containing the first revaluation.

(4) Where, in the case of any hereditament (or part of a hereditament) being agricultural buildings, it is found that by reason of paragraph (*a*) of section three of the Rating and Valuation (Apportionment) Act (Northern Ireland), 1928, or for any other cause, such buildings have not been distinguished as agricultural hereditaments in the valuation lists in force during the year preceding the issue of the first revaluation, the Commissioner of Valuation shall revise the valuation of such buildings as if the first revaluation were not required to be issued in the following year, and the amount of the valuation as so revised shall be entered in the lists containing the first revaluation.

3. The valuation of every rateable hereditament (or part of a hereditament) being agricultural buildings shall be entered in the lists containing any general revaluation under this Act subsequent to the first revaluation at the amount appearing in the last preceding valuation lists issued by the Commissioner of Valuation:

Provided that the said Commissioner may make any such change in the said amount as may be necessary—

(i) in order to complete the annual revision of valuation made during the year immediately preceding the issue of the lists containing such general revaluation; or

(ii) in order to make a valuation of any hereditament not being wholly agricultural buildings;

4.—(1) Where for the purpose of the valuation lists to be issued in any year during a period intervening between the dates on which one general revaluation and the succeeding general revaluation respectively come into force, the valuation of any rateable hereditament (or part of a hereditament) being agricultural buildings is included, in pursuance of section four of the Act of 1854, in the list of hereditaments requiring revision which is transmitted to the Commissioner of Valuation under the said section, the said Commissioner shall estimate the net annual value of such hereditament in accordance with section six of this Act, and shall, subject to the provisions of sub-sections (2) and (3) of this Article enter the valuation in the valuation lists at the amount so estimated, or at the amount appearing in the valuation lists last previously issued (whether contained in a general revaluation or otherwise) whichever amount shall be the lesser.

(2) Where any part of any agricultural buildings to which sub-section (1) of this Article applies has decreased in value owing to removal, dilapidation, or structural alteration, the amount to be entered in the valuation lists shall be reduced accordingly.

INDEX

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A.D. 1932.

(3) Where any part of any agricultural buildings to which subsection (1) of this Article applies has been improved or extended, or where agricultural buildings additional to such agricultural buildings have been erected, the amount to be entered in the valuation lists shall be increased according to the enhanced value attributable to the improvements, extensions or additions, and such enhanced value shall be estimated in accordance with section six of this Act.

5. In this Schedule the expression " first revaluation " means the first general revaluation to be made under this Act.

Section 16 (1)

SECOND SCHEDULE.

ANNUAL SUMS REPAYABLE BY COUNTIES AND COUNTY BOROUGHS IN RESPECT OF EXPENSES OF ANNUAL REVISION OF RATEABLE PROPERTY.

Counties and County Boroughs.	Annual Sum.
Antrim County	£675
Armagh County	£270
Down County	£675
Fermanagh County	£180
Londonderry County	£270
Tyrone County	£270
Belfast County Borough	£945
Londonderry County Borough	£120

Section 22.

THIRD SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
15 & 16 Vict., c. 63.	The Valuation (Ireland) Act, 1852.	So much of section twelve as relates to half rents; section twenty-seven; section thirty-four, except so far as it is necessary for the purposes of this Act.

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Session and Chapter.	Short title.	Extent of Repeal.
17 & 18 Vict., c. 8.	The Valuation (Ireland) Act, 1854.	The proviso to section two.
61 & 62 Vict., c. 37.	The Local Government (Ireland) Act, 1898.	Section sixty-five.
10 & 11 Geo. 5. c. 17.	The Increase of Rent and Mortgage Interest (Restrictions) Act, 1920.	So much of paragraph (*f*) of sub-section (2) of section eighteen as relates to the rateable value of dwelling-houses mentioned in that paragraph.
14 & 15 Geo. 5. c. 29.	The Valuation Acts Amendment Act (Northern Ireland), 1924.	The whole Act.

INDEX

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TABLE II

SHOWING THE EFFECT OF THE SESSION'S LEGISLATION.

PART I.

ACTS OF PARLIAMENT OF THE UNITED KINGDOM (IN CHRONOLOGICAL ORDER) REPEALED AMENDED OR OTHERWISE AFFECTED BY ACTS OF THE PARLIAMENT OF NORTHERN IRELAND PASSED IN THE SESSION 21 & 22 GEO. 5.

Statute and Chapter of Act of Parliament.	Short Title.	How affected.	Chapter, section, &c., of 21 & 22 Geo. 5.
7 & 8 Geo. 4, c. 53.	Excise Management Act, 1827.	s. 92 extd.	24, s. 5.
15 & 16 Vict., c. 63.	Valuation (Ireland) Act, 1852.	s. 11 am. (prosp.).	26 ss. 6 (1), 25 (1).
		So much of s. 12 as relates to half rents; s. 27; s. 34 (with saving) rep. (prosp.)	26 ss. 1 (6), 4 (4), 7 (1), 22, 25 (1) and 3rd Sch.
		ss. 17 to 23 app.	26, s. 3 (1).
		ss. 19, 22 am. (prosp.).	26, ss. 9, 10, 25 (1).
17 & 18 Vict., c. 8.	Valuation (Ireland) Act, 1854.	The proviso to s. 2 rep. (prosp.).	26 ss. 7 (1), 22, 25 (1) and 3rd Sch.
		ss. 4, 5, am. (prosp.).	26, ss. 11, 25 (1).

Digitized by Google

Statute and Chapter of Act of Parliament.	Short Title.	How affected.	Chapter, section, &c., of 21 & 22 Geo. 5.
23 & 24 Vict., c. 4.	Annual Revision of Rateable Property (Ireland) Amendment Act, 1860.	ss. 10, 11 (as am.) app.	26, s. 3 (1).
c. 154.	Landlord and Tenant Law Amendment Act, Ireland, 1860.	s. 86 app.	12, s. 35 (1).
31 & 32 Vict., c. 110.	Telegraph Act, 1868.	s. 22 saved.	26, s. 23 (2).
37 & 38 Vict., c. 70.	Valuation (Ireland) Amendment Act, 1874.	ss. 2, 3 am.	26, s. 16 (4).
40 & 41 Vict., c. 2.	Treasury Bills Act, 1877.	s. 6 excl.	3, s. 3 (2). 10, s. 2 (2). 21, s. 2 (2).
41 & 42 Vict., c. 52.	Public Health (Ireland) Act, 1878.	s. 110 excl. s. 194 saved. s. 210 extd. s. 238 (2) (3) excl.	12, s. 30 (3). 26, s. 23 (2). 12, s. 19 (3). 9, s. 32 (1) (d). 12, s. 16 (3).
c. 76.	Telegraph Act, 1878.	s. 7 extd.	12, s. 48.
43 & 44 Vict., c. 35.	Wild Birds Protection Act, 1880.	Act rep.	14, s. 19 (2) and 2nd Sch.
44 & 45 Vict., c. 51.	Wild Birds Protection Act, 1881.	Act rep.	14, s. 19 (2) and 2nd Sch.

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Statute and Chapter of Act of Parliament.	Short Title.	How affected.	Chapter, section, &c., of 21 & 22 Geo. 5.
45 & 46 Vict., c. 56.	Electric Lighting Act, 1882.	s. 3, para. 5 (in part) rep.	9, ss. 48, 58 and 6th Sch.
		s. 12 extd.	9, s. 40 (1).
		s. 13 am. and excl.	9, ss. 40 (1), 50 (1).
		ss. 21, 28 app.	9 ss. 33 (3), 46.
51 & 52 Vict., c. 12.	Electric Lighting Act, 1888.	ss. 2, 3 excl.	9, s. 50 (1).
53 & 54 Vict., c. 59.	Public Health Acts Amendment Act, 1890.	s. 23 app.	12, s. 43 (6).
c. 70.	Housing of the Working Classes Act, 1890.	s. 4 am.	12, s. 25.
		s. 6 (1) extd.	12, s. 26 (1).
		ss. 29, 30, 31 am.	12, s. 28 (1) (2) (3).
		ss. 32 to 35 rep.	12, s. 28 (4).
		s. 78 rep.	12, s. 36.
		2nd Sch. app.	12, s. 41.
		3rd and 4th Schs. rep.	12, s. 28 (4).
57 & 58 Vict., c. 24.	Wild Birds Protection Act, 1894.	Act rep.	14, s. 19 (2) and 2nd Sch.
c. 30.	Finance Act, 1894.	s. 15 (2) saved.	24, s. 2 (4).
59 & 60 Vict., c. 28.	Finance Act, 1896.	s. 20 rep. with saving.	24, s. 2 (6).
61 & 62 Vict., c. 37.	Local Government (Ireland) Act, 1898.	s. 64 rep. (prosp.).	26, ss. 1 (6), 22, 25 (1) and 3rd Sch.
		s. 94 (15) excl.	12, Sch. 1, Art. 7.

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Statute and Chapter of Act of Parliament.	Short Title.	How affected.	Chapter, section, &c., of 21 & 22 Geo. 5.
62 & 63 Vict., c. 19.	Electric Lighting (Clauses) Act, 1899.	Sch. to Act am. as follows :—	
		s. 7, para. 1 am.	9 ss. 37 (9), 40 (2), 44 (1), 50 (1), 58 and 6th Sch.
		s. 14 app.	
		s. 14 (1) (a) am.	
		ss. 14 (2), 15 (in part), 31 (2) rep.	
		s. 20 am.	
		s. 32, new sub-s. (2) substit.	
		Sch. extd. and app.	9, ss. 40 (1), 50 (1).
2 Edw. 7, c. 6	Wild Birds Protection Act, 1902.	Act rep.	14, s. 19 (2) and 2nd Sch.
c. 38.	Local Government (Ireland) Act, 1902.	s. 15 app.	12 Sch. 1, Art. 8.
4 Edw. 7, c. 4.	Wild Birds Protection Act, 1904.	Act rep.	14, s. 19 (2) and 2nd Sch.
7 Edw. 7, c. 53.	Public Health Acts Amendment Act, 1907.	s. 95 app.	12, s. 27.
8 Edw. 7, c. 11.	Wild Birds Protection Act, 1908.	Act rep.	14, s. 19 (2) and 2nd Sch.
c. 61.	Housing of the Working Classes (Ireland) Act, 1908.	ss. 9, 10 rep.	12, s. 28 (4).
c. 67.	Children Act, 1908.	Part I of Act am.	5, s. 2.
		s. 1 new sec. substit.	5, s. 1.
		ss. 2 (6), 4 am. and (in part) rep.	5, s. 2.
		s. 3 rep.	
		s. 7 as am. excl.	5, s. 3.
		s. 11 (1) am.	5, s. 2.

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Statute and Chapter of Act of Parliament.	Short Title.	How affected.	Chapter, section, &c., of 21 & 22 Geo. 5.
9 Edw. 7, c. 34.	Electric Lighting Act, 1909.	ss. 10, 15 rep.	9, ss. 42 (2) 58 and 6th Sch.
c. 49.	Assurance Companies Act, 1909.	Sch. 8 extd.	19, s. 1.
10 Edw. 7 and 1 Geo. 5, c. 8.	Finance (1909-10) Act, 1910.	s. 63 rep. with saving.	24, s. 2 (6).
1 & 2 Geo. 5, c. 27.	Protection of Animals Act, 1911.	Any enactment applying to birds, saved.	14, s. 19 (1).
9 & 10 Geo. 5, c. 45.	Housing (Ireland) Act, 1919.	ss. 23, 27 rep.	12, ss. 31 (8), 39.
c. 57.	Acquisition of Land (Assessment of Compensation) Act, 1919.	s. 6 excl.	12, s. 46 (2).
c. 100.	Electricity Supply Act, 1919.	ss. 1, 2, 3 (in part), 4 (in part), 5 to 9, 10 (in part), 12 to 14, 15 (1) (in part), 15 (2) (3) (4), 16 to 18, 19 (1) (in part), 22, 23 (1) (in part), 26 (in part), 27 (in part), 28, 29, 32 (1), 32 (2) (3) (in part), 35, 39 (1) proviso, 39 (2) and the Sch. rep.	9, ss. 37 (12), 49 (2), 58 and 5th & 6th Schs.
		ss. 26, 34 (1) am.	9, 5th Sch., Part II.
		The provisions of the Act with respect to the constitution of electricity districts, etc., rep.	9, s. 49 (1).

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Statute and Chapter of Act of Parliament.	Short Title.	How affected.	Chapter, section, &c., of 21 & 22 Geo. 5.
10 & 11 Geo. 5, c. 17.	Increase of Rent and Mortgage Interest (Restriction) Act, 1920.	s. 18 (2) (*f*) (in part) rep. (prosp.).	26, ss. 22, 25 (1) and 3rd Sch.
c. 18.	Finance Act, 1920.	s. 42 am.	24, s. 4.
c. 30.	Unemployment Insurance Act, 1920.	s. 12 (3), proviso extd.	1, s. 2 (3).
11 & 12 Geo. 5, c. 32.	Finance Act, 1921.	s. 44 rep. with saving.	24, s. 2 (6).
14 & 15 Geo. 5, c. 38.	National Health Insurance Act, 1924.	s. 3 (3) am.	6, s. 1. 23, s. 1.
		s. 12 (4) am.	23, s. 3.
		s. 20, orders made under, excl.	17, s. 4.
		s. 36, new sub-s. (2) (A) added.	6, s. 3.

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PART 2.

ACTS OF PARLIAMENT OF NORTHERN IRELAND (IN CHRONOLOGICAL ORDER) REPEALED, AMENDED OR OTHERWISE AFFECTED BY ACTS OF THAT PARLIAMENT PASSED IN THE SESSION 21 & 22 GEO. 5.

Statute and Chapter of Act of Parliament.	Short Title.	How affected.	Chapter, section, &c., of 21 & 22 Geo. 5.
12 & 13 Geo. 5, c. 24.	Loans Guarantee Act, 1922.	s. 1 (1) (as am.) extd.	2, s. 1 (1).
13 & 14 Geo. 5, c. 21.	Education Act, 1923.	Provisions of Part VI (as am.) am. s. 88 am.	13, s. 1 (1). 13, s. 1 (2).
c. 24.	Electricity and Gas (Expenses) Act, 1923.	s. 1 rep.	9, s. 58 and 5th and 6th Schs.
c. 30.	Housing Act, 1923.	s. 1 (as am.) am.	4, s. 1.
c. 31.	Local Government Act, 1923.	s. 6 app.	12, s. 19 (2).
14 & 15 Geo. 5, c. 15.	Marketing of Eggs Act, 1924.	s. 1 am. s. 1 (3) rep. with saving.	7, s. 1.
c. 29.	Valuation Acts Amendment Act, 1924.	The whole Act rep. (prosp.).	26, ss. 22, 25 (1) and 3rd Sch.

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Statute and Chapter of Act of Parliament.	Short Title.	How affected.	Chapter, section, &c., of 21 & 22 Geo. 5.
15 & 16 Geo. 5, c. 12.	Rent and Mortgage Interest (Restrictions) Act, 1925.	s. 2 excl.	12, s. 38.
c. 17.	Government Loans and Exchequer Provisions Act, 1925.	s. 8 app.	22, s. 1.
c. 24.	Drainage Act, 1925.	s. 5 (4) saved. s. 12 (as am.) further am.; extd., and new sub.s. added	25, s. 2. 25, s. 3 (1) (3) (4).
16 & 17 Geo. 5, c. 1.	Unemployment Insurance (Agreement) Act, 1926.	s. 5 (as am.) extd.	1, s. 1. 15, s. 1.
c. 28.	Marketing of Eggs Act, 1926.	s. 2 (1) extd. s. 6 extd. s. 8 am.	7, s. 3 (3). 7, s. 4 (6). 7, s. 4.
c. 29.	Protection of Animals (Miscellaneous Provisions) Act, 1926.	ss. 7, 8, 9 and 10, rep.	14, s. 19 (2) and 2nd Sch.
17 & 18 Geo. 5, c. 1.	Agricultural Research Station Act, 1927.	Scheduled agreement am.	20, s. 1.
c. 16.	Workmen's Compensation Act, 1927.	s. 9, sub-s. (4) rep. and new sub-s. substit.	16, s. 1 (1).
18 & 19 Geo. 5, c. 3.	Unemployment Insurance Act, 1928.	s. 18 (2) am.	1, s. 2 (1). 15, s. 2. (1).

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Statute and Chapter of Act of Parliament.	Short Title.	How affected.	Chapter, section, &c., of 21 & 22 Geo. 5.
20 Geo. 5, c. 2.	Finance Act, 1929.	s. 2 (1) app.	24, s. 6.
c. 17.	Widows', Orphans' and Old Age Contributory Pensions Act, 1929.	s. 1 am. s. 12, new sec. substit.	17, s. 1 (1). 17, s. 3.
c. 20.	Drainage Act, 1929.	s. 13 mod. s. 22 am.	25, s. 1 (5). 25, s. 3 (1).
20 & 21 Geo. 5, c. 17.	Exchequer and Financial Provisions No. (2) Act, 1930.	s. 3 am.	24, s. 6.
c. 24.	Motor Vehicles and Road Traffic Act, 1930.	s. 7 (2) extd.	19, s. 1 (2).

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TABLE III.

INDEX

TO THE

PUBLIC GENERAL ACTS.

21 & 22 GEO. 5.—A.D. 1931-32.

PAGE

ACQUISITION OF LAND FOR PURPOSES OF PLANNING SCHEMES 101

ADOPTED CHILDREN :
Application of Widows', Orphans' and Old Age Contributory Pensions Acts to 158

AGRICULTURAL LAND AND AGRICULTURAL BUILDINGS :
Defined for purposes of Planning and Housing Act .. 105
Valuation Acts Amendment Act 193
Exception of, from general revaluation 182
Valuation of, how ascertained 182

AGRICULTURAL RESEARCH STATION : An Act to confirm and give effect to an agreement relating to the Agricultural Research Station for Northern Ireland. (Ch. 20) .. 165

APPROPRIATION : An Act to apply a Sum out of the Consolidated Fund of Northern Ireland to the service of the year ending on the thirty-first day of March, nineteen hundred and thirty-two, and to appropriate the Supplies granted in this Session of Parliament. (Ch. 10) .. 86
No. 2 Act (Ch. 21) 167

APPROVED SOCIETIES, ADMINISTRATION OF 13

ARBITRATIONS :
Under Electricity (Supply) Act, provisions as to .. 55
Under Planning and Housing Act 104
Appeals against awards 133

ASSURANCE COMPANIES (UNDERWRITERS) : An Act to extend the provisions of the Assurance Companies Act, 1909, in its application to underwriters. (Ch. 19) 164

"AUTHORISED INSURER" :
Definition of, extended 164

Digitized by Google

BANN DRAINAGE SCHEME : PAGE
Provision for funding certain expenses of 178

BELFAST CITY AND DISTRICT WATER COMMISSIONERS :
Application of Valuation Acts Amendment Act to, for purpose of assessment of water rates 192

BIRD SANCTUARIES, CREATION OF 144
See also WILD BIRDS PROTECTION ACT. (CH. 14).

BUILDING BYELAWS :
Duty of sanitary authority to make 129

CAPTIVE BIRDS, SHOOTING OF 142

CHILDREN (AMENDMENT) : An Act to amend and extend Part I of the Children Act, 1908, so as to make further provision for the protection of child life. (Ch. 5) .. 7

Extension of Enactments relating to Infant Life Protection.

Section.
1. Sanction required by and notice to be given by persons receiving children for reward. p. 7.
2. Amendment of Part I. of 8 Edw. 7, c. 67. p. 9.
3. Saving for certain policies of life insurance. p. 9.

Provisions as to Day Nursing.

4. Restriction upon undertaking of day nursing of children. p. 10.
5. Appointment of visitors and inspection of premises. p. 10.
6. Local authority may fix number of children which may be kept. p. 11.
7. Withdrawal of sanction in certain cases. p. 11.
8. Exemptions. p. 11.

Supplemental.

9. Short title, construction and citation. p. 11.

CLEARANCE ORDERS :
Under Planning and Housing Act 114, 116
Validity and date of operation of 131

COMMISSIONER OF VALUATION :
Appeals from, to Quarter Sessions 186
Appeals to, amendment of law as to 185
Power of, to require returns for valuation purposes .. 187
To make a general revaluation and subsequent quinquennial revaluations 181

CONSOLIDATED FUND : An Act to apply certain Sums out of the Consolidated Fund of Northern Ireland to the service of the years ending on the thirty-first day of March, nineteen hundred and thirty-one, and the thirty-first day of March, nineteen hundred and thirty-two. (Ch. 3) .. 4

Digitized by Google

PAGE

COUNTY COUNCIL:
Power of, to recover expenses of cleansing watercourses 179
Valuation Acts Amendment Act:
Powers and duties of secretary, under 182
Right of appeal, under 182

COUNTY COURT:
Appeals to, under Planning and Housing Act .. 109, 124, 133

DAY NURSING:
Defined 10
Provisions as to 10

DEATH DUTIES:
Exemption from, of objects of national, scientific, historic or artistic interest 174
On property subject to an annuity which has been surrendered 174

DRAINAGE: An Act to amend the Drainage Acts (Northern Ireland), 1925 and 1929. (Ch. 25) 178

ECONOMY: An Act to authorise the making of Orders in the Privy Council of Northern Ireland for the purpose of effecting economies in expenditure falling to be defrayed out of public moneys and improvements in the arrangements for meeting such expenditure. (Ch. 11) .. 94

EDUCATION: An Act to amend the provisions of the Education Acts (Northern Ireland), 1923 to 1930, relating to compulsory school attendance. (Ch. 13) 139

EGGS.
See MARKETING OF EGGS.

ELECTRICITY BOARD FOR NORTHERN IRELAND:
Acquisition of undertakings by 52
Borrowing powers of 27
Constitution of 31
Disqualification for membership of 32
General duties and powers of 33
Powers generally exerciseable by 38
Power to issue stock 50
See also ELECTRICITY (SUPPLY) ACT. (CH. 9).

ELECTRICITY COMMISSIONERS FOR NORTHERN IRELAND:
Abolition of, and transfer of powers to the Ministry of Commerce 74

Digitized by Google

ELECTRICITY (SUPPLY): An Act to amend the law with respect to the supply of electricity. (Ch. 9) .. .. PAGE 31

PART I.

CONSTITUTION OF ELECTRICITY BOARD AND ADVISORY COMMITTEE.

Section.
1. Constitution of Electricity Board. p. 31.
2. Disqualification and interests of members of the Board. p. 32.
3. General duties and powers of the Board. p. 33.
4. Annual report, statistics and returns. p. 33.
5. Advisory Committee. p. 33.

PART II.

PROVISIONS AS TO DEVELOPMENT AREAS.

6. Preparation and carrying out of development schemes. p. 34.
7. Power of the Board to develop supply of electricity in development areas. p. 35.
8. Purchase by the Board of property of non-statutory undertakers. p. 37.
9. Obligation of the Board to exercise power of purchase in certain cases. p. 37.
10. Power of the Board to supply electricity pending completion of development works. p. 38.
11. Power of the Board to lend money to undertakers. p. 38.
12. Transfer to the Board of rights of local authorities to purchase undertakings p. 38.

PART III.

POWERS GENERALLY EXERCISEABLE BY THE BOARD.

13. Purchase of bulk supplies of electricity. p. 38.
14. Power of the Board to purchase surplus electricity. p. 40.
15. Supply of electricity in bulk by the Board. p. 41.
16. Closing of generating stations. p. 42.
17. Duty of the Board to supply electricity to power users. p. 43.
18. Constitution of the Board as undertakers for certain areas. p. 44.
19. Acquisition of land by the Board. p. 45.
20. Acquisition and use of main transmission lines. p. 45.
21. Powers of the Board as to electric fittings. p. 46.
22. Entry on land for surveys and other preliminary purposes. p. 47.
23. Power of the Board to require information. p. 47.
24. Relation of charges to dividends. p. 48.

PART IV.

FINANCIAL PROVISIONS.

25. Expenses of the Board. p. 48.
26. Rates and scales of charges for electricity, etc. p. 49.
27. Power of the Board to borrow. p. 49.
28. Power of the Board to issue stock. p. 50.
29. Power of Ministry of Finance to guarantee loans to the Board. p. 51.
30. Accounts and audit. p. 52.

PART V.

PROVISIONS AS TO ACQUISITION OF UNDERTAKINGS, ARBITRATION AND COMPENSATION.

31. Procedure on acquisition of authorised undertaking by the Board. p. 52.
32. Provisions as to purchase price of undertaking or property. p. 53.
33. Provisions as to arbitration. p. 55.

Digitized by Google

ELECTRICITY (SUPPLY)—*Continued.* PAGE

34. Power to discharge purchase price by issue of stock, etc. p. 58.
35. Provisions as to transfer of officers to the Board. p. 58.
36. Compensation for deprivation, or alteration of terms, of employment. p. 59.

PART VI.

AMENDMENTS OF THE ELECTRICITY (SUPPLY) ACTS.

37. Wayleaves. p. 61.
38. Provisions as to consent of Ministry of Commerce. p. 64.
39. Power to lop or fell trees and hedges obstructing electric lines. p. 64.
40. Amendments of law as to breaking up of streets, railways, etc. p. 66.
41. Use of electricity supply for purposes of railways, etc. p. 66.
42. Stand-by supplies of electricity. p. 67.
43. Power of Local Authority to maintain showrooms and hold exhibitions, etc. p. 67.
44. Amendment of Schedule to 62 & 63 Vict., c. 19. p. 67.
45. Methods of charge by undertakers and discounts. p. 69.
46. Recovery of payments due under assisted wiring agreements. p. 70.
47. Power to recover charge for reconnection. p. 70.
48. Amendment of s. 3 of 45 & 46 Vict., c. 56. as to period before granting of licences and special orders. p. 70.
49. Amendment of provisions of 9 & 10 Geo. 5, c. 100, as to joint electricity authorities. p. 71.

PART VII.

PROVISIONS AS TO ADMINISTRATIVE MATTERS.

50. Application of Electricity (Supply) Acts to the Board. p. 71.
51. Provisions as to agreements, consents, etc. p. 72.
52. Superannuation schemes for officers and whole-time members of the Board. p. 72.
53. Provisions as to stamp duty in certain cases. p. 73.
54. Exemption of main transmission lines from rates. p. 74.
55. Transfer to the Board of property and liabilities of Ministry of Commerce under 20 & 21 Geo. 5, c. 21. p. 74.
56. Provisions as to Ministry of Commerce and Electricity Commissioners. p. 74.

PART VIII.

SUPPLEMENTAL.

57. Interpretation. p. 75.
58. Repeal. p. 76.
59. Short title, construction and citation. p. 76.

FIRST SCHEDULE.
Part I. Interim Report. p. 76.
Part II. Provisions with respect to the South-Eastern Area. p. 76.

SECOND SCHEDULE. Rules for determining cost of production of electricity. p. 77.

THIRD SCHEDULE. Authorised charges. p. 79.

FOURTH SCHEDULE. Provisions as to the acquisition of selected stations and main transmission lines. p. 80.

FIFTH SCHEDULE. Provisions consequential upon abolition of Electricity Commissioners. p. 80.

SIXTH SCHEDULE. Enactments repealed. p. 83.

Digitized by Google

EXCISE LICENCE DUTY : PAGE

Provisions as to recovery of, for mechanically propelled vehicles 176

EXPIRING LAWS : An Act to continue certain Expiring Laws as respects Northern Ireland. (Ch. 18) 161

FINANCE : An Act to amend the law relating to Death Duties, Stamp Duty, the levying of certain Duties of Excise, and the Public Debt ; and to make further provision in connection with Finance. (Ch. 24) 174

Section. *Death Duties.*

1. Death duties on property subject to an annuity which has been surrendered. p. 174.
2. Exemption from death duties of objects of national, scientific, historic or artistic interest. p. 174.

Stamp Duty.

3. Stamp duty on guarantee for payment of rent. p. 175.
4. Amendment of s. 42 of 10 & 11 Geo. 5, c. 18 as to stamp duty. p. 176.

Excise Licence Duty.

5. Provisions as to recovery of excise duties on licences for mechanically-propelled vehicles. p. 176.

Rating Relief Suspense Account.

6. Transfer from Reserve Fund to Rating Relief Suspense Account. p. 176.

Road Fund.

7. Transfer from Road Fund to Exchequer. p. 176.
8. Power to make temporary advances to Road Fund. p. 177.

Ulster Savings Certificates.

9. Power to extend currency of, and to issue securities in exchange for, savings certificates. p. 177.

Supplemental.

10. Short title and construction. p. 178.

FRUIT.

See MARKETING OF FRUIT.

GOVERNMENT LOANS : An Act to authorise the writing off of certain sums from the assets of the Government Loans Fund. (Ch. 22) 170

GOVERNOR OF NORTHERN IRELAND :

Power of, to make Orders in Council effecting certain economies 94

GRADE DESIGNATION MARKS.

See MARKETING OF FRUIT.

GREAT BRITAIN :

Restriction on sending eggs to 18

Restriction on sending fruit to 19

Digitized by Google

PAGE

GUARANTEE FOR PAYMENT OF RENT:

Stamp duty on 175

HALF RENT:

Abolition of assessment on 184

HOUSING: An Act to amend section one of the Housing Act (Northern Ireland), 1923, as amended by subsequent enactments. (Ch. 4) 6

See also PLANNING AND HOUSING ACT. (CH. 12).

INFANT LIFE PROTECTION.

See CHILDREN (AMENDMENT) ACT. (CH. 5.)

INSURANCE.

See NATIONAL HEALTH INSURANCE.
UNEMPLOYMENT INSURANCE.

IRISH FREE STATE:

Restriction on sending eggs to 18
Restriction on sending fruit to 19

ISLE OF MAN:

Restriction on sending eggs to 18
Restriction on sending fruit to 19

LOANS GUARANTEE: An Act to amend the Loans Guarantee Acts (Northern Ireland), 1922 to 1929, by making further provision with respect to the amount of loans which may be guaranteed under the said Acts, by extending the period within which the Ministry of Finance may give guarantees thereunder, and by enabling money to be borrowed for temporary payments in fulfilment of such guarantees. (Ch. 2) 3

LOCAL AUTHORITIES:

Combination of, for purpose of planning schemes .. 97
Duties of, under Children (Amendment) Act 10
Obligations with regard to re-housing 117
Power of, to order demolition of insanitary houses .. 119
Power to prepare and adopt planning schemes .. 97
Power to require repair of insanitary houses 121

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MARKETING OF EGGS: An Act to amend and extend the provisions of the Marketing of Eggs Acts (Northern Ireland), 1924 to 1928. (Ch. 7) 14

PAGE

Section.
1. Amendment of s. 1 of 14 & 15 Geo. 5, c. 15, as to licensing of wholesale dealers in eggs. p. 14.
2. Keeping of records and returns by Class A licence-holders. p. 15.
3. Registration of wholesale dealers' premises. p. 15.
4. Removal and detention of eggs in transit, etc. p. 16.
5. Restriction on sending eggs to Great Britain, Irish Free State and Isle of Man. p. 18.
6. Provisions as to appeals and prosecutions. p. 18.
7. Interpretation. p. 18.
8. Short title, construction and commencement. p. 19.

MARKETING OF FRUIT: An Act to provide for the maintenance of proper standards of quality in connection with the marketing of fruit in certain cases, and for the licensing of persons engaged in such marketing; and for other purposes connected therewith. (Ch. 8.) .. 19

PART I.

CONSIGNMENT OF FRUIT TO GREAT BRITAIN, THE IRISH FREE STATE AND THE ISLE OF MAN.

Section.
1. Restriction on sending fruit to Great Britain, Irish Free State and Isle of Man. p. 19.
2. Power of Ministry of Agriculture to grant, revoke and suspend licences. p. 19.
3. Standards of quality, etc., for fruit consigned under licences p. 20.
4. Permits for consignments of fruit in certain cases. p. 20.
5. Surrender and production of licences, etc., and giving of information. p. 21.
6. Power to enter premises and examine consignments, etc. p. 22.
7. Seizure and detention of consignments. p. 23.
8. Contravention of provisions of Part I of Act. p. 24.
9. Savings. p. 24.

PART II.

PROVISIONS AS TO SALE OF FRUIT IN NORTHERN IRELAND.

10. Prescription and use of grade designations. p. 25.
11. Grade designation marks. p. 25.
12. Provisions as to sale of fruit in containers. p. 26.
13. Exemption of commission salesmen under 17 & 18 Geo. 5, c. 6. p. 27.
14. Power of entry for purposes of Part II of Act. p. 27.

PART III.

GENERAL PROVISIONS.

15. Power of Ministry of Agriculture to make rules. p. 27.
16. Offences, prosecutions and application of sums. p. 28.
17. Application of Act. p. 30.
18. Interpretation. p. 30.
19. Short title and commencement. p. 30.

MINISTRY OF AGRICULTURE:

Powers of officers of, under Marketing of Eggs Act .. 16

Powers under Marketing of Fruit Act:

To grant licences and permits 19, 20

To make rules 25, 27

To prescribe grade designations for fruit grown in Northern Ireland 25

Digitized by Google

MINISTRY OF COMMERCE: PAGE

Power of, to make regulations under the Electricity (Supply) Act 51, 71, 74

MINISTRY OF FINANCE:

Borrowing by issue of Treasury Bills or otherwise 3, 5, 87, 168
Consent of, to borrowing by Electricity Board .. 49
Power of, to guarantee loans to Electricity Board .. 51
Power to make regulations under the Valuation Acts Amendment Act .. ..
Road Fund: power to make temporary advances to .. 177
Ulster Savings Certificates: power to extend currency of 177

MINISTER OF HOME AFFAIRS:

Powers under Wild Birds Protection Act:
To grant licences 144
To make orders 149
To provide for creation of bird sanctuaries .. 144

MINISTRY OF HOME AFFAIRS:

Planning Schemes:
Approval of Ministry to 97
May execute, if local authority defaults 112
Power to prescribe forms, etc. 131
Regulations as to, may be made by 100

NATIONAL HEALTH INSURANCE: An Act to amend sub-section (3) of section three of the National Health Insurance Act, 1924, and make financial provision in connection with such amendment, and to extend the provisions of section thirty-six of the said Act. (Ch. 6) .. 12

An Act to amend sub-section (3) of section three of the National Health Insurance Act, 1924, and to make financial provision in connection with such amendment, and to amend section twelve of the said Act as that section applies in Northern Ireland by virtue of section three of the National Health Insurance Act (Northern Ireland), 1930. (Ch. 23) 172

See also THE SCHEDULE TO THE ECONOMY ACT. (CH. 11.)

NORTHERN IRELAND ELECTRICITY STOCK 50

NURSING AND MAINTENANCE OF CHILDREN FOR REWARD.

See CHILDREN (AMENDMENT) ACT. (CH. 5).

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PLANNING AND HOUSING : An Act to provide for the making of schemes laying down plans for the development or re-development of land ; to make further provision with respect to the clearance and improvement of unhealthy areas and the demolition or repair of insanitary houses, and with respect to the application of the Second Schedule to the Housing of the Working Classes Act, 1890, in certain cases ; to amend certain enactments relating to the regulation of new buildings ; and for purposes connected with the matters aforesaid. (Ch. 12) .. 96

PAGE

PART I.

PLANNING SCHEMES.

Section.

1. Planning schemes. p. 96.
2. Power of local authorities to prepare or adopt planning schemes. p. 97.
3. Combination of local authorities for the purposes of planning schemes. p. 97.
4. Development of estates pending the coming into operation of planning schemes. p. 98.
5. Contents of planning schemes. p. 99.
6. Procedure regulations of the Ministry. p. 100.
7. Power to enforce scheme. p. 101.
8. Acquisition of land comprised in a scheme. p. 101.
9. Compensation and betterment charges in respect of property affected by scheme, etc. p. 102.
10. Exclusion or limitation of compensation in certain cases. p. 105.
11. Notice to withdraw or modify provisions of scheme. p. 106.
12. Registration of ownership of land and service of notices. p. 107.
13. Power to require removal of structures. p. 108.
14. Duty of local bodies to have regard to amenities of locality, etc. p. 110.
15. Advisory committees for local authorities. p. 110.
16. Provisions as to local authorities and their expenses. p. 110.
17. Power of the Ministry in case of default of local authority to execute scheme or consent to modifications and conditions. p. 112.
18. Determination of matters by the Ministry. p. 113.
19. Local inquiries. p. 113.
20. Provisions as to land in neighbourhood of Hillsborough and Stormont. p. 114.
21. Restrictions on operation of Part I of Act. p. 114.

PART II.

CLEARANCE AND IMPROVEMENT OF UNHEALTHY AREAS, AND DEMOLITION OR REPAIR OF INSANITARY DWELLING-HOUSES.

Clearance Areas.

Section.

22. Local authority may declare unhealthy area to be clearance area. p. 114.
23. Clearance orders. p. 116.
24. Obligations of local authority with respect to re-housing. p. 117.

Digitized by Google

PLANNING AND HOUSING—*Continued.* PAGE

Improvement Schemes under Part I of the Principal Act.

25. Amendment of s. 4 of principal Act as to official representations. p. 118.
26. Purchase by local authority of land additional to or adjoining area of improvement scheme. p. 118.
27. Appropriation of land comprised in improvement scheme under Part I of principal Act. p. 118.

Amendment and Extension of Part II of the Principal Act.

28. Amendments of ss. 29, 30 and 31 of principal Act and repeals. p. 119.
29. Power of local authority to order demolition of insanitary house. p. 119.
30. Power of local authority to require repair of insanitary house. p. 121.
31. Enforcement of notice requiring execution of repairs. p. 121.
32. Power of local authority to deal with part of building. p. 123.
33. Procedure where demolition order or closing order is made or undertaking is given as to user of house. p. 124.
34. Appeals against demolition orders, closing orders, etc. p. 124.

General and Miscellaneous.

35. Recovery of possession of buildings subject to a clearance order or demolition order. p. 126.
36. Power of local authority to make allowances to certain persons displaced. p. 127.
37. Power of local authority to require information as to ownership of premises. p. 127.
38. Suspension of operation of Rent Restrictions Acts for purpose of carrying out repairs. p. 128.
39. Exclusion of application of Rent Restrictions Acts. p. 128.
40. Standard of fitness for human habitation. p. 128.
41. Application of Second Schedule to principal Act. p. 128.
42. Construction of Part II of Act. p. 129.

PART III.

REGULATION OF NEW BUILDINGS.

43. Provisions as to making and enforcement of byelaws respecting new buildings, etc. p. 129.

PART IV.

SUPPLEMENTAL.

44. Power to prescribe forms, etc. p. 131.
45. Validity and date of operation of planning schemes and clearance orders, etc. p. 131.
46. Appeals against awards of arbitrator. p. 133.
47. Power to make rules of court. p. 134.
48. Saving for Postmaster-General. p. 134.
49. Interpretation. p. 135.
50. Short title and commencement. p. 135.

Digitized by Google

PLANNING AND HOUSING—*Continued.* PAGE

SCHEDULES:

First Schedule.—Provisions as to Joint Committees for Planning Schemes. p. 135.

Second Schedule.—Matters which may be dealt with by Planning Schemes. p. 136.

Third Schedule.—Matters in relation to Procedure which may be dealt with by Regulations of the Ministry. p. 137.

Fourth Schedule.—Restrictions on Operation of certain Provisions of Act. p. 138.

Fifth Schedule.—Clearance Orders. p. 138.

PLANNING SCHEMES:

Contents of 99
Joint Committees for purpose of 135
Power of Ministry of Home Affairs to enforce .. 101
Revocation of, by Ministry of Home Affairs 97
Validity and date of operation of 131
See also PLANNING AND HOUSING ACT. (CH. 12.) PART I.

QUARTER SESSIONS:

Appeals to, under Wild Birds Protection Act 146
Constitution of Court of, when hearing appeals under the Marketing of Eggs Acts 18

REGISTRATION OF OWNERSHIP OF LAND FOR PURPOSES OF PLANNING AND HOUSING ACT 107

RESIDENT MAGISTRATE:

Offences under Marketing of Eggs Acts to be tried by .. 18

REVALUATION OF RATEABLE HEREDITAMENTS.

See VALUATION ACTS AMENDMENT ACT. (CH. 26.).

ROAD FUND:

Temporary advances to, by Ministry of Finance .. 177
Transfer from, to Exchequer 176

ROYAL ULSTER CONSTABULARY:

Powers under Marketing of Fruit Act 21, 23

SCHOOL ATTENDANCE:

Provisions of Education Acts as to, amended .. 140

STAMP DUTY:

On guarantee for payment of rent 175

Digitized by Google

SUMMARY JURISDICTION : PAGE

Constitution of court of, when trying offences under the Marketing of Eggs Acts 18

Court of, as tribunal for trying offences under the Wild Birds Protection Act 145

SUNDAY :

Offence of taking or killing birds on 142

SUPERANNUATION :

Schemes for officers and members of the Electricity Board 72

SUPREME COURT :

Appeals to under the Planning and Housing Act .. 124, 133

ULSTER SAVINGS CERTIFICATES :

Power of Ministry of Finance to extend currency of, and to issue securities in exchange for 177

UNDERWRITERS CARRYING ON BUSINESS IN NORTHERN IRELAND :

See ASSURANCE COMPANIES (UNDERWRITERS) ACT. (CH. 19.).

UNEMPLOYMENT INSURANCE : An Act to raise to two million five hundred thousand pounds the limit on the amount which may be outstanding at any time in respect of the advances by the Ministry of Finance for discharging the liabilities of the current account of the Northern Irish Unemployment Fund ; to amend sub-section (2) of section eighteen of the Unemployment Insurance Act (Northern Ireland), 1928, by further extending to forty-two months the period of twelve months therein mentioned ; and to make provision for certain other matters in connection with the extension aforesaid. (Ch. 1.) 1

No. 2 ACT. (CH. 15) 153

See also THE SCHEDULE TO THE ECONOMY ACT. (CH. 11.)

URBAN DISTRICT COUNCIL :

Contributions by, to Drainage Works 179

Powers and duties of Clerk of, under Valuation Acts Amendment Act 182

Right of appeal under Valuation Acts Amendment Act 182

VALIDITY OF PLANNING SCHEMES AND CLEARANCE ORDERS 131

Digitized by Google

VALUATION ACTS AMENDMENT: An Act to make provision for the periodical revaluation of rateable property in Northern Ireland, and otherwise to amend the law relating to the valuation of such property. (Ch. 26.) .. PAGE 180

General Revaluation of Rateable Hereditaments.

Section.
1. Provision for quinquennial making of general revaluation. p. 181.
2. Exception of agricultural land and agricultural buildings from general revaluation. p. 182.
3. Appeals against general revaluation. p. 182.
4. Making of rate according to revaluation. p. 182.
5. Temporary appointment of additional judge in connection with appeals on first general revaluation. p. 183.

Amendments of the Valuation Acts.

6. Amendment as to valuation of property other than agricultural land and agricultural buildings. p. 184.
7. Abolition of assessment on half rents. p. 184.
8. Amendment as to unit to be separately valued. p. 185.
9. Amendment as to appeals to Commissioner of Valuation. p. 185.
10. Amendment as to appeals from Commissioner of Valuation to quarter sessions. p. 186.
11. Amendment of ss. 4 and 5 of 17 & 18 Vict., c. 8, as to hereditaments to be included in annual revision. p. 187.

Administration of the Valuation Acts.

12. Power of Commissioner of Valuation to require returns. p. 187.
13. Power of occupier, etc., to submit estimates of value. p. 188.
14. Obstruction to exercise of power of entry. p. 188.
15. Regulations as to publication of lists and notices. p. 188.

Expenses of Annual Revision and Revaluation.

16. Repayment by counties and county boroughs of portion of expenses of annual revision. p. 189.
17. Repayment by counties and county boroughs of portion of expenses of revaluation. p. 189.

Supplemental.

18. Valuation of railways. p. 190.
19. Provisional valuations under local Acts. p. 191.
20. Application of Act for purpose of assessment of Belfast Water Rates. p. 192.
21. Interpretation. p. 193.
22. Repeal. p. 195.
23. Savings. p. 195.
24. Declaration of intention as to review of the effect of first revaluation. p. 195.
25. Commencement of Act. p. 195.
26. Short title, construction and citation. p. 196.

SCHEDULES. p. 196.

WATERCOURSES, CLEANSING OF:

Power of County Council to recover expenses of .. 179

WIDOWS', ORPHANS' AND OLD AGE CONTRIBUTORY PENSIONS:

An Act to amend section one of the Widows', Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1929, so as to define for the purposes of the said section one the meaning of the expression "normal

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WIDOWS', ORPHANS' AND OLD AGE CONTRIBUTORY PENSIONS—*Contd.*

occupation," and so as to entitle to widows' pensions the widows of men who attained the age of seventy on or before the fifteenth day of July, nineteen hundred and twelve, and died on or after the fourth day of January, nineteen hundred and twenty-six, and whose normal occupation was, at some time within three years before the date on which they attained the said age, of a certain kind; to amend the provisions of the Widows', Orphans' and Old Age Contributory Pensions Acts (Northern Ireland), 1925 and 1929, with respect to adopted children and the pensions of patients of unsound mind; to explain the extent to which the National Health Insurance Act, 1924, applies in the administration of the said Acts; and for purposes consequential upon the purposes aforesaid. (Ch. 17.) 156

WILD BIRDS ADVISORY COMMITTEE:

Appointment of 145

Duties of 145

WILD BIRDS PROTECTION: An Act to consolidate, simplify and amend the Law relating to the Protection of Wild Birds. (Ch. 14.) 140

General Protection of Birds.

Section.
1. Illegal methods of exposing to injury, taking or killing birds. p. 140.
2. Illegal methods of taking or confining birds. p. 141.
3. Unlawful to kill or take birds on Sunday. p. 142.
4. Shooting captive birds. p. 142.

Special Protection of many Birds.

5. Classification of birds for purposes of Act. p. 142.
6. Protection of birds according to categories. p. 143.
7. Sale for human consumption. p. 143.

Miscellaneous.

8. Liberation of imported birds. p. 144.
9. Licences to kill and take birds. etc. p. 144.
10. Creation of bird sanctuaries. p. 144.
11. Wild Birds Advisory Committee. p. 145.

Offences, Penalties and Legal Proceedings.

12. Offences. p. 145.
13. Penalties. p. 145.
14. Legal Proceedings. p. 146.

Supplemental.

15. Powers and duties of officers or constables of the Royal Ulster Constabulary. p. 147.
16. Orders of Minister of Home Affairs. p. 149.
17. Minister of Home Affairs may exhibit orders. p. 150.
18. Definitions. p. 150.
19. Repeal. p. 150.
20. Short title and commencement. p. 151.

SCHEDULES. p. 151.

WORKMEN'S COMPENSATION: An Act to amend sub-section (4) of section nine of the Workmen's Compensation Act (Northern Ireland), 1927. (Ch. 16.) 154

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TABLE IV

STATUTES OF THE IMPERIAL PARLIAMENT passed in the year 1931 (21 & 22 GEO. 5).

Applicable in Northern Ireland in whole or in part.

Chapter.	Short Title.
21 Geo. 5.	
13	House of Commons Disqualification (Declaration of Law) Act, 1931.
14	Army and Air Force (Annual) Act, 1931. [*See* s. 2 (1) and 2nd Sched.].
15	Yarmouth Naval Hospital Act. [*See* s. 10 (2).]
21 & 22 Geo. 5.	
28	Finance Act, 1931. [*See* ss. 42 and 44 (5).]
33	Architects (Registration) Act, 1931. [*See* s. 18 (2).]
22 Geo. 5.	
2	Expiring Laws Act, 1931. [*See* s. 4 (2).]

N.B.—The references to sections of the above Acts should not be taken as being exhaustive.

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TABLE V.

LOCAL AND PRIVATE ACTS.

A TABLE OF THE TITLES OF THE LOCAL AND PRIVATE ACTS PASSED DURING THE SESSION (ARRANGED ACCORDING TO CHAPTER)

21 & 22 GEO. 5.

ROYAL ASSENT, 26TH MAY, 1931.

i. An Act to enable the Belfast Harbour Commissioners to construct a tramway, and to levy additional rates and charges, and for other purposes. (*Belfast Harbour.*)

ii. An Act to enlarge the objects of the Royal Victoria Hospital: to provide for the dissolution of the Incorporated Belfast Maternity Hospital and the application of the property and assets thereof: and for other purposes. (*The Incorporated Belfast Maternity Hospital and the Royal Victoria Hospital.*)

iii. An Act to confer powers on the Urban District Council of Donaghadee in the County of Down as to borrowing money, construction of waterworks, acquisition of lands compulsorily or by agreement and for various other purposes. (*Donaghadee Urban District Council.*)

iv. An Act to consolidate with amendments the statutory enactments relating to the Markets Undertaking of the Mayor Aldermen and Burgesses of the City of Londonderry and to confer further powers upon them with respect to that undertaking; to authorise them to construct street improvements and acquire lands; to confer further powers upon them with respect to their water and electricity undertakings; to make further provision for the health local government and improvement of the City and with respect to rating; and for other purposes. (*Londonderry Corporation.*)

ROYAL ASSENT, 13TH OCTOBER, 1931.

v. An Act to confirm a Provisional Order of the Ministry of Home Affairs relating to the Banbridge Union. [*Ministry of Home Affairs Provisional Order Confirmation* (*Banbridge Union Borrowing*).]

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ROYAL ASSENT, 22ND DECEMBER, 1931.

vi. An Act to confirm a Provisional Order of the Ministry of Home Affairs relating to the Borough of Coleraine. [*Ministry of Home Affairs Provisional Order Confirmation (Coleraine Waterworks).*]

vii. An Act to confirm a Provisional Order of the Ministry of Home Affairs relating to the Urban District of Tandragee. [*Ministry of Home Affairs Provisional Order Confirmation (Tandragee Waterworks).*]

viii. An Act to confirm a Provisional Order of the Ministry of Home Affairs relating to the Rural District of Downpatrick. [*Ministry of Home Affairs Provisional Order Confirmation (Strangford Waterworks).*]

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THE
LOCAL ACTS.

21 & 22 GEO. 5.

CHAPTER i.

An Act to enable the Belfast Harbour Commissioners to construct a tramway, and to levy additional rates and charges, and for other puposes. [26th May, 1931.]

A.D. 1931.

Preamble.

WHEREAS by the Belfast Harbour Act, 1847 (in this Act called "the Act of 1847") divers earlier Acts relating to the Port and Harbour of Belfast were repealed and such of the powers and provisions of those Acts as were then applicable were consolidated and the Belfast Harbour Commissioners (in this Act called "the Commissioners") were incorporated with power to execute works and to borrow money and acquire lands and to levy rates as in that Act mentioned.

And whereas the powers and provisions of the Act of 1847 were extended and amended by the following Acts, namely:—

The Belfast Port and Harbour Conservancy Act, 1852;
The Belfast Dock Act, 1854;
The Belfast Harbour Act, 1870;
The Belfast Harbour Commissioners Act, 1871;
The Belfast Harbour Act, 1882;
The Belfast Harbour Act, 1883;
The Belfast Harbour Act, 1893;
The Belfast Harbour Act, 1898;
The Belfast Harbour Act, 1901;
The Belfast Harbour Act, 1918;
The Belfast Harbour Act, 1919; and
The Belfast Harbour Act (Northern Ireland), 1922;

and the Act of 1847 and the said subsequent Acts from 1852 to 1922 inclusive are in this Act called "the former Belfast Harbour Acts."

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A.D. 1931.

And whereas the undertaking carried on by the Commissioners under the former Belfast Harbour Acts includes certain docks and quays in connection with which under the powers of those Acts the Commissioners have constructed and maintain upon lands belonging to them a system of tramlines or rails which are used for the conveyance of traffic arising in connection with the said undertaking.

And whereas the Commissioners are now engaged in constructing under powers conferred by the Belfast Harbour Act, 1918, and the general powers contained in the former Belfast Harbour Acts a new tidal turning basin and certain new docks and quays and other works including further tramlines or rails required in connection with such turning basin and docks and quays.

And whereas the said further tramlines or rails will be situate mainly on land belonging to the Commissioners but it is expedient that in one part the same should be carried along a public street known as Duncrue Street and that for that purpose the Commissioners should be empowered to make maintain and work a tramway in that street and that the provisions in this Act contained in relation thereto should be enacted.

And whereas it is expedient that additional powers should be conferred upon the Commissioners for and in relation to the levying of rates and charges in connection with the purposes and matters in this Act specified.

And whereas by virtue of the provisions of the former Belfast Harbour Acts the Commissioners are empowered to raise money by the creation and issue of consolidated stock and are required to make provision by the formation of sinking funds for repayment of all moneys so raised.

And whereas it is expedient with a view to facilitating the construction of new works by the Commissioners that they should be enabled to take loans from the Government of Northern Ireland or any Department thereof on the terms of repaying the same by instalments without being under obligation to form any sinking fund in respect thereof and enabled further to borrow money at interest by the issue of bonds charged on the harbour revenues and repayable by instalments free from any

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A.D. 1931.

obligation for the formation of any sinking fund for repayment or redemption thereof.

And whereas it is expedient that the other provisions in this Act contained should be enacted.

And whereas the several objects aforesaid cannot be effected without the authority of Parliament.
MAY IT THEREFORE PLEASE YOUR MAJESTY That it may be enacted and BE IT ENACTED by the King's Most Excellent Majesty by and with the advice and consent of the Senate and the House of Commons of Northern Ireland in this present Parliament assembled and by the authority of the same as follows (that is to say):—

PART I.

Preliminary.

Short and Collective Titles.

1. This Act may be cited as the Belfast Harbour Act (Northern Ireland), 1931, and the former Belfast Harbour Acts and this Act may be cited together as the Belfast Harbour Acts, 1847 to 1931.

Act divided into parts.

2. This Act is divided into Parts as follows:—
Part I.—Preliminary.
Part II.—Tramway.
Part III.—Rates.
Part IV.—Financial.
Part V.—Miscellaneous.

Interpretation.

3. In this Act unless the subject or context otherwise requires—

The expression "the Port and Harbour of Belfast" or "the Port" means and includes all rivers streams pools mudbanks inlets havens reclaimed lands landing-places docks piers and quays lying within the limits of the Commissioners' jurisdiction as existing at the passing of this Act:

The expression "the tramway" means the tramway by this Act authorised and the works connected therewith.

The expression "the City" means the City and County Borough of Belfast:

The expression "the Corporation" means the Lord Mayor Aldermen and Citizens of the City:

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The expression "harbour revenues" has the meaning attached thereto in Section 2 of the Belfast Harbour Act, 1893.

The expression "daily penalty" means a penalty for every day on which an offence is continued after conviction.

PART II.

Tramway.

Power to make Tramway.

4. Subject to the provisions of this Act the Commissioners may make form lay down maintain work and use for the purposes of or in connection with their undertaking but not for general public traffic the tramway hereinafter described in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails works and conveniences connected therewith. The tramway hereinbefore referred to and authorised by this Act is—

A tramway of the length of one furlong and one chain or thereabouts single line throughout situate wholly in Duncrue Street in the parish of Shankill otherwise Belfast or Extra-parochial in the City commencing at a point about 110 feet measured in a northerly direction from the junction of Duncrue Street aforesaid with Whitla Street and terminating at a point about 710 feet measured in a northerly direction from the point of commencement.

Power to break up street, etc.

5. The Commissioners from time to time for the purpose of making forming laying down maintaining and renewing the tramway or any part or parts thereof respectively may open and break up the said Street subject to the following regulations:—

(1) The Commissioners shall give to the Corporation notice of their intention specifying the time at which they will begin to do so and the portion of the Street proposed to be opened or broken up such notice to be given seven days at least before the commencement of the work.

(2) The Commissioners shall not open or break up or alter the level of said Street except under the superintendence and to the reasonable satis-

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faction of the Corporation unless the Corporation refuses or neglects to give such superintendence at the time specified in the notice or discontinues the same during the work.

(3) The Commissioners shall pay all reasonable expense to which the Corporation is put on account of such superintendence.

Approval by Ministry of Home Affairs of mode of constructing tramway.

6. The Commissioners shall at the same time as they give notice to the Corporation of their intention to open or break up the said Street for the purpose of constructing laying down or renewing the tramway lay before the Ministry of Home Affairs and the Corporation a plan showing the proposed mode of constructing laying down or renewing the tramway where laid in said Street and a statement of the materials intended to be used therein and the Commissioners shall not commence the construction laying down or renewal of any such portion of the tramway until such plan and statement have been approved by the Ministry of Home Affairs and by the Corporation and after such approval the works shall be executed in accordance in all respects with such plan and statement.

Completion of work and reinstatement of street.

7.—(1) When the Commissioners have opened or broken up any portion of said Street or the footway thereof they shall be under the following further obligations namely :—

(i) They shall with all convenient speed (and within four weeks unless the Corporation otherwise consents in writing) complete the work on account of which they opened or broke up the same and (subject to the formation maintenance or renewal of the tramway) fill in the ground and make good the surface and to the satisfaction of the Corporation restore the portion of the Street or the footway thereof opened or broken up by them to as good condition as that in which it was before it was opened or broken up and clear away all surplus paving or metalling material or rubbish occasioned thereby ;

(ii) They shall in the meantime cause the place where the Street is opened or broken up to be

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A.D. 1931.

fenced and watched and to be properly lighted at night;

(iii) They shall bear or pay all reasonable expenses of the repair of the portion of the Street or the footways thereof opened or broken up as aforesaid for six months after the same is restored as far as those expenses are increased by the opening or breaking up;

(2) The Commissioners shall bear or pay all reasonable expenses incurred by the Corporation in effecting any reconstruction of the said street or any part thereof which in the opinion of the Surveyor of the Corporation is made necessary by reason of the manner in which the tramway is made formed or laid down.

(3) If any difference arises under this section as to the reasonable expenses to be paid by the Commissioners that difference shall be referred to arbitration under this Act.

(4) If the Commissioners fail to comply in any respect with any of the provisions of sub-section one of this section they shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds and any such penalty when recovered shall be paid to the Corporation.

Application of road materials excavated in construction of works.

8. Any paving metalling or material excavated by the Commissioners in the construction of the tramway where laid along the said Street may be applied by the Commissioners so far as may be necessary in or towards the reinstatement of the portion of the Street opened or broken up as aforesaid and the maintenance for six months after completion of the tramway of so much of the roadway on either side of the tramway as the Commissioners are by this Act required to maintain and the Commissioners shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the Surveyor of the Corporation or to such person or persons as he may appoint to receive the same. Provided that if within seven days after notice in writing shall have been given to the said Surveyor of the existence of any surplus as aforesaid such surplus or any portion thereof is not removed by the said Surveyor or by some other person named by him for that purpose such unremoved surplus

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A.D. 1931.

paving metalling or material shall absolutely vest in and belong to the Commissioners and may be dealt with removed and disposed of by them in such manner as they may think fit. Any difference between the Commissioners and the Corporation or any Surveyor or other person with reference to any of the matters aforesaid shall be referred to arbitration under this Act.

Repair of part of street where tramway is laid.

9.—(1) The Commissioners shall at their own expense and to the satisfaction of the Corporation at all times maintain and keep in good condition and repair so much of the surface of the said Street whereon the tramway is laid as is comprised in the gauge of the tramway and one foot six inches outside of each rail.

(2) If the Commissioners abandon the tramway or cease to be entitled to work and use the same and take up the tramway or any part thereof they shall with all reasonable speed and in all cases within one month at the most (unless the Corporation otherwise consents in writing) fill in the ground and make good the surface and to the satisfaction of the Corporation and under supervision of the Surveyor of the Corporation if he think fit to attend after receiving not less than forty-eight hours' notice for that purpose which notice the Commissioners are hereby required to give restore the portion of the said street upon which such tramway was laid to as good a condition as that in which it was before such tramway was laid thereon and clear away all surplus paving or metalling material or rubbish occasioned by such work and they shall in the meantime cause the place where the said street is opened or broken up to be fenced and watched and to be properly lighted at night.

(3) If the Commissioners fail to comply with any of the provisions of this Section the Corporation if they think fit may themselves at any time after seven days' notice to the Commissioners do the works necessary for the repair and maintenance or restoration of the said street to the extent in this section mentioned and the reasonable expenses incurred by the Corporation in so doing shall be paid to them by the Commissioners.

Corporation and Commissioners may contract for repairing Street.

10. The Commissioners on the one hand and the Corporation on the other hand may from time to time enter into and carry into effect and from time to time alter renew or vary contracts agreements or arrangements

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with respect to the keeping in repair of the whole or any portion of the carriageway of said Street on which the Commissioners shall lay the tramway and the proportion to be paid by either of them of the expense of such keeping in repair.

Gauge.

11.—(1) The tramway shall be constructed on a gauge of five feet three inches and shall be laid and maintained in such manner that the uppermost surface of the rails thereof shall be on a level with the surface of the said street.

(2) If the Corporation shall hereafter alter the level of the said street or any part thereof the Commissioners shall alter or (as the case may be) lay the tramway and the rails thereof so that the uppermost surface of the same shall be on a level with the surface of the said street as so altered.

Gates on Tramway.

12. If and when the Corporation so require the Commissioners shall erect across the tramway where it enters their property at the northern end of the tramway a gate or gates the nature and position of which shall be approved by the Corporation and shall maintain such gate or gates at all times after the erection thereof in good condition and repair.

Commissioners to have exclusive use of tramway for carriages with flange wheels.

13. Subject to the provisions of this Act the Commissioners shall have the exclusive use of the tramway for carriages with flange or other wheels suitable only to run on the rails of the tramway.

Penalty for persons using tramway with carriages with flange wheels, etc.

14. If any person (except by agreement with the Commissioners) uses the tramway or any part thereof with carriages having flange wheels or other wheels suitable only to run on the rails of the tramway such person shall for every such offence be liable to a penalty not exceeding twenty pounds.

Maintenance of rails.

15.—(1) The Commissioners shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramway and the substructure upon which the same rest.

(2) The Commissioners shall not suffer or permit any wagons or carriages to remain stationary on the

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tramway save in so far as may be necessary for the purpose of facilitating traffic in the said street or as may otherwise be required by law.

(3) If the Commissioners at any time fail to comply in any respect with any of the provisions of this section they shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds and any such penalty when recovered shall be paid to the Corporation.

Provisions as to gas and water mains, etc.

16. For the purpose of making forming laying down maintaining repairing or renewing of the tramway or any works connected with the tramway in or under the said Street or in or under the footways of said Street the Commissioners may from time to time where and as far as it is necessary or may appear expedient alter the position of any mains or pipes for the supply of gas or water or any tubes wires or apparatus for the supply of electricity or for telegraphic telephonic or other purposes subject to the provisions of this Act and also subject to the following restrictions (that is to say):—

(1) Before laying down or altering any part of the tramway or any works connected therewith in the said street or the footways thereof in which any mains or pipes tubes wires or apparatus (in this section referred to as "mains or apparatus") may be laid the Commissioners shall whether they contemplate altering the position of any mains or apparatus or not give seven days' notice to the Corporation or any local authority Company persons or person to whom such mains or apparatus may belong or by whom they are controlled (hereinafter in this section referred to as "the owners") of their intention to lay down or alter such part of the tramway or the works connected therewith and shall at the same time deliver a plan and section of the proposed work. If it should appear to the owners or the Commissioners that the laying down or alteration of the tramway or the works connected therewith as proposed would endanger or prevent reasonable access to any such mains or apparatus or interfere with or impede the supply of

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water gas or electricity or the telegraphic telephonic or other communication the Commissioners may and shall if so required by the owners lower or otherwise alter the position of the said mains or apparatus in such manner as may be considered necessary. All alterations to be made under this section shall be made with as little detriment and inconvenience to the owners or to the inhabitants of the district as the circumstances will admit and (when the work is executed by the Commissioners) under the superintendence of the owners or their Surveyor or Engineer if they or he think fit to attend after receiving not less than forty-eight hours' notice for that purpose which notice the Commissioners are hereby required to give and to the reasonable satisfaction of the owners Surveyor or Engineer.

(2) The Commissioners shall not remove or displace any mains or apparatus or other works belonging to or controlled by the owners or do anything to impede the passage of water or gas or electricity or the telegraphic telephonic or other communication into or through such mains or apparatus without the consent of the owners or in any other manner than such owners shall approve until good and sufficient mains or apparatus or other works necessary or proper for continuing the supply of water or gas or electricity or telegraphic telephonic or other communication as sufficiently as the same was supplied by the mains or apparatus proposed to be removed or displaced shall at the expense of the Commissioners have been first made and laid down in lieu thereof and ready for use and to the reasonable satisfaction of the owners:

(3) The Commissioners shall not lay down any such mains or apparatus contrary to the regulations of any Act of Parliament relating to the owners or relating to telegraphs or telephones.

(4) The Commissioners shall make good all damage done by them to property belonging to or controlled by the owners and shall make full compensation to all parties for any loss or damage which they may sustain by reason of

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any interference with such property or with the private service pipes or wires of any person supplied by the owners with water or gas or electricity or telephonic or telegraphic communication.

(5) Any works to be executed by the Commissioners in pursuance of the provisions of this Act in relation to the lowering or altering the position of any such mains or apparatus shall be executed by and at the expense of the Commissioners or if the owners so require by the owners who shall commence and complete the same with all reasonable dispatch: Provided that the reasonable cost incurred by the owners in the execution thereof shall be paid by the Commissioners to the owners.

(6) If by any such operations as aforesaid the Commissioners interrupt the supply of water or gas or electricity or telegraphic telephonic or other communication in or through the mains or apparatus they shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds.

(7) Any difference which may arise between the Commissioners and the owners under this section shall be referred to arbitration under this Act.

Alteration of telegraph lines of Postmaster-General.

17. Notwithstanding anything in this Act contained if any of the works authorised to be executed by this part of this Act involves or is likely to involve any alteration of any telegraphic line belonging to or used by the Postmaster-General the provisions of section seven of the Telegraph Act, 1878, shall apply to any such alteration.

Rights of Corporation and Local Authorities, Companies, etc., to open street.

18. Nothing in this Act shall take away or abridge any power to open or break up the said Street along which the tramway is laid or any other power vested in the Corporation or any local authority for any of the purposes for which such authority is respectively constituted or in any company or person for the purpose of laying down repairing altering or removing any pipe for the supply of gas or water or any tubes wires or apparatus for the supply of electricity or for telegraphic or other purposes

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A.D. 1931.

but in the exercise of such power the Corporation and every such local authority company or person shall be subject to the following provisions (that is to say):—

(1) They shall cause as little detriment or inconvenience to the Commissioners as circumstances admit and shall complete the work and restore the roadway at their own expense provided that any additional expense imposed upon them by reason of the existence of the tramway where the mains or apparatus shall have been laid before the construction of the tramway shall be borne by the Commissioners.

(2) Before they commence any work whereby the traffic on the tramway will be interrupted they shall give to the Commissioners notice of their intention to commence such work specifying the time at which they will begin to do so such notice to be given eighteen hours at least before the commencement of the work except in the case of emergency when they shall give notice as soon as practicable.

(3) They shall not be liable to pay to the Commissioners any compensation for any injury caused to the tramway or in any way suffered by the Commissioners in consequence of the reasonable exercise of any of the powers so vested in them as aforesaid.

(4) Whenever for the purpose of enabling them to execute such work the Corporation or local authority shall so require the Commissioners shall either stop the traffic on the tramway where it would otherwise interfere with such work or shore up and secure the same at their own risk and cost during the execution of the work there.

(5) Any company or person shall not execute such work so far as it immediately affects the tramway except under the superintendence of the Commissioners unless they refuse or neglect to give such superintendence at the time specified in the notice for the commencement of the work or discontinue the same during the progress of the work.

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A.D. 1931.

Corporation to have access to sewers.

19. The Corporation as Sanitary Authority shall at all times have free access to and communication with all their sewers and drains and power to lay lateral and private drains to communicate therewith without the consent or concurrence of the Commissioners and the provisions contained in section eighteen of this Act shall be applicable in the case of any sewer or private drain of or under the control of or proposed to be laid by the Corporation as if the same were a pipe for the supply of gas or water.

For protection of Corporation sewers, etc.

20. Where any work authorised by this Part of this Act interferes or is likely to interfere with any sewers drains watercourses or like works under the jurisdiction or control of the Corporation (in this section referred to as "sewers or like works") the Commissioners shall not commence any work authorised as aforesaid until they shall have given to the Corporation fourteen days' previous notice in writing of their intention to commence the same by leaving such notice at the office of the Surveyor of the Corporation with any necessary particulars relating thereto nor until the Corporation shall have signified their approval of the same unless the Corporation shall not signify their approval disapproval or other directions within fourteen days after service of the said notice and particulars as aforesaid ; and the Commissioners shall comply with and conform to all reasonable directions and regulations of the Corporation in the execution of the said work and shall provide by new altered or substituted works in such manner as the Corporation shall reasonably require for the proper protection of and for preventing injury or impediment to the sewers and like works by or by reason of the works authorised as aforesaid and shall save harmless the Corporation against all and every the expense to be occasioned thereby and all such works shall be done under the direction superintendence and control of the Surveyor of the Corporation or other officer or officers of the Corporation at the reasonable costs charges and expenses in all respects of the Commissioners and when any new altered or substituted sewers or like works or any work connected therewith shall be completed by or at the costs charges or expenses of the Commissioners under the provisions of this section the same shall thereafter be as fully and completely under the direction jurisdiction and control of the Corporation

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A.D. 1931.

and be maintained by them as the case may be as any sewers or like works. If any difference arises under this section between the Commissioners and the Corporation it shall be referred to arbitration under this Act.

Period for completion of works.

21. If the tramway is not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Commissioners for constructing the tramway or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Payment of annual sum to Corporation in respect of tramway.

22. The Commissioners shall pay to the Corporation the sum of twenty-five pounds on the first day of November in each year after the completion of the tramway during which or any part of which the Commissioners shall be entitled to work and use the tramway under the powers conferred by this Act.

Powers only exerciseable after ten years with consent of Corporation.

23.—(1) The powers of working and using the tramway conferred upon the Commissioners by this Part of this Act shall not be exercised by the Commissioners after the expiration of ten years from the passing of this Act without the consent of the Corporation.

(2) Any consent given by the Corporation under this section shall be in writing and may be for such period and subject to such terms and conditions as the Corporation shall think fit, but shall not be subject to the provisions of Section thirty of this Act.

Removal of tramway on cesser of powers.

24. If at any time after the opening of the tramway for traffic the Commissioners shall cease to be entitled to exercise the powers of working and using the tramway conferred by this Act the Corporation may at the expiration of two months after the said powers of the Commissioners shall have ceased and determined give notice to the Commissioners requiring them to remove the tramway and the Commissioners shall within three months after the notice so given remove the tramway and fill in and repair and make good the said street to the satisfaction of and under the supervision of the Surveyor of the Corporation ; and if the Commissioners do not within three months remove the tramway and make good the said street as aforesaid the Corporation may (without prejudice to any other remedy against the

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Commissioners) remove the tramway or any part thereof and fill in repair and make good the said street as aforesaid and may sell all or any of the materials removed and out of the proceeds of such sale reimburse themselves their expenses relative to such notice removal and sale and the filling in repair and making good of the said street and consequent thereon (rendering the overplus if any to the Commissioners) and the unpaid residue (if any) of such expenses shall be paid to the Corporation by the Commissioners and shall be recoverable from the Commissioners by proceedings in any Court of competent jurisdiction.

Commissioners to be responsible for all damage.

25. The Commissioners shall be answerable for all accidents damages and injuries happening through their act or default or through the act or default of any person in their employment by reason or in consequence of the tramway or the user thereof and shall indemnify and save harmless the Corporation and their officers and servants from all damages and costs in respect of such accidents damages and injuries.

Provisions as to motive power.

26.—(1) The Carriages used on the tramway may be moved by animal power or by mechanical power.

(2) The Ministry of Home Affairs shall have power to make regulations for securing to the public all reasonable protection against danger arising from the use under this Act of mechanical power on the tramway.

(3) The Commissioners or any Company or person using any mechanical power on the tramway contrary to the provisions of this Act or of any Regulation made by the Ministry of Home Affairs as aforesaid shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof.

(4) In the event of the tramway being worked by electricity the Commissioners shall so construct their electric lines and works of all descriptions and shall so work the tramway in all respects as to prevent any interference whether by induction or otherwise with any telegraphic line (as defined by the Telegraph Act, 1878) from time to time erected laid down or used by the Post-

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A.D. 1931.

master General or with telegraphic communication by means of any such line.

Right of user only of Street.

27. Notwithstanding anything in this Act contained the Commissioners shall not acquire or be deemed to acquire any right other than that of user of the said street along which they lay the tramway.

Reserving powers of Corporation to widen, etc., Street.

28. Nothing in this part of this Act shall take away or affect any power which the Corporation may have to widen alter divert or improve the said Street.

Reservation of right of public to use Street.

29. Nothing in this part of this Act shall take away or abridge the right of the public to pass along or across every or any part of said street along which the tramway is laid whether on or off the tramway with carriages not having flange wheels or wheels suitable only to run on the rails of the tramway.

Consents of Corporation or Local Authority, etc.

30. Where the consent of the Corporation or other local authority Company or person is by this part of this Act required before the exercise of any powers by the Commissioners such consent shall not be unreasonably withheld and if any difference arises as to whether any consent is unreasonably withheld that difference shall be referred to arbitration under this Act.

Arbitration.

31.—(1) Where any difference is to be referred to or determined by arbitration under this part of this Act that difference shall be referred to the Ministry of Home Affairs or if the Ministry of Home Affairs think fit to an engineer or other fit person appointed as arbitrator by the Ministry.

(2) The provisions of the Common Law Procedure Amendment Act (Ireland), 1856, or any statutory modification thereof shall so far as they are applicable apply to such arbitration and the decision of the arbitrator shall be final and conclusive and binding on all parties and the costs of and incident to the arbitration shall be in the discretion of the arbitrator who may order to and by whom and in what manner the same or any part thereof shall be paid and if either party so requires such costs shall be taxed and settled by the Taxing Master of the High Court in Northern Ireland and such

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fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to fees to be taken in the office of such Master and all these enactments including enactments relating to the taking of fees by means of stamps shall extend to the fees in respect of the said taxation.

PART III.

Rates.

Rates for Floating Docks, Seaplanes, etc.

32. Subject to the provisions of this Act the Commissioners may demand levy and recover from the owner thereof on and in respect of floating docks seaplanes hydroplanes and similar craft or vessels of exceptional construction or method of propulsion and aeroplanes airships and other air vehicles entering or using or departing from the Port or any part thereof such reasonable rates as may from time to time be fixed by the Commissioners.

Provided that Section twenty-eight of the Harbours Docks and Piers (Clauses) Act, 1847, is incorporated with and forms part of this Act and that in construing the said section the expression "vessel" shall include any floating dock seaplane hydroplane or similar craft or vessel of exceptional construction or method of propulsion or aeroplane airship or other air vehicle belonging to or employed in the service of His Majesty.

Rates to be collected at places appointed by Commissioners.

33. The Commissioners may levy and collect the rates by this Act authorised at such place or places as they shall from time to time appoint.

Rates to be charged equally.

34. The rates levied by the Commissioners under the authority of this Act shall be at all times charged equally to all persons in respect of the same description of craft or vessels or the like services in the like circumstances.

Enforcement and recovery of Rates and Charges.

35. All the provisions of the former Belfast Harbour Acts and of any Act incorporated with any of those Acts with respect to the publication enforcement collection and recovery of dues rates tolls or charges shall so far as appropriate apply and be available with respect to all rates and charges which the Commissioners are by this Act authorised to demand levy or recover.

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A.D. 1931.

Payment to Belfast Corporation for or in lieu of rates.

36.—(1) In addition to the sum payable in each year by the Commissioners to the Corporation under the provisions of Section thirteen of the Belfast Corporation Act (Northern Ireland), 1925, for or in lieu of rates made by the Corporation the Commissioners shall pay to the Corporation a sum equal to three pounds per centum of the gross rates levied by the Commissioners under the authority of this Act during the year ending the 31st day of December immediately preceding the making of any such rates by the Corporation and such payment shall be made by the Commissioners at such times and shall be recoverable in such manner as the rate payable by the Commissioners to the Corporation under the said last mentioned section.

(2) The Commissioners shall on the 31st day of January in each year or within ten days thereafter make a true and correct return to the Town Clerk of the City of the entire rates levied by the Commissioners under the Authority of this Act during the year ending on the immediately preceding 31st day of December.

(3) It shall and may be lawful for the Treasurer of the City or such other person as the Corporation may from time to time authorise in that behalf to examine inspect and take extracts from all books of account and other documents of and belonging to the Commissioners containing any entries relating to the rates levied or to be levied by the Commissioners under the authority of this Act.

PART IV.

Financial.

Power to borrow from Government of Northern Ireland on terms of repayment by instalments.

37.—(1) For the purpose of raising any money which the Commissioners are empowered to borrow on the security of the harbour revenues under the powers in that behalf conferred by the former Belfast Harbour Acts the Commissioners instead of borrowing the same by the creation and issue of Belfast Harbour Consolidated Stock in manner prescribed by the Belfast Harbour Act, 1893, as amended by the Belfast Harbour Act, 1918, and the Belfast Harbour Act (Northern Ireland), 1922, may if they think fit and if the Government of Northern Ireland or any Department thereof be willing in pursuance of any statutory power in that behalf to lend the same borrow such money at interest from such Government or

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A.D. 1931.

Department on Mortgage of the harbour revenues on the terms that the same shall be repaid to such Government or Department by equal yearly or half-yearly instalments of principal within such period not exceeding 50 years from the date of the borrowing as may be agreed between the Commissioners and such Government or Department and the Commissioners shall have power to pay off all or any part of the moneys so borrowed and for the time being outstanding at any time before they become due and on such terms as may be agreed between them and such Government or Department in pursuance of such statutory power as aforesaid.

(2) Mortgages under this section and the interest thereon shall have the same charge and security as and rank pari passu with Belfast Harbour Consolidated Stock and the interest thereon.

(3) The Commissioners shall keep a register of all mortgages under this section.

(4) Notwithstanding anything contained in the former Belfast Harbour Acts the Commissioners shall be under no obligation to form any Sinking Fund for the purpose of providing for or securing repayment or redemption of any Mortgage under this section.

Power to borrow by bonds on terms of repayment by instalments.

38.—(1) For the purpose of raising any money which the Commissioners are empowered to borrow on the security of the harbour revenues under the powers in that behalf conferred by the former Belfast Harbour Acts the Commissioners instead of borrowing the same by the creation and issue of Belfast Harbour Consolidated Stock in manner prescribed by the Belfast Harbour Act 1893, as amended by the Belfast Harbour Act, 1918, and the Belfast Harbour Act (Northern Ireland), 1922, may if they think fit borrow such money at interest by the issue of bonds charged on the harbour revenues and issued in accordance with the provisions of this section.

(2) A bond under this section shall be an instrument executed under the common seal of the Commissioners and taking effect as a deed and shall in respect of the principal thereof and the interest thereon have the same charge and security as and rank pari passu with Belfast Harbour Consolidated Stock and the interest thereon. The principal sum may be made payable to the bearer of the bond or to a person to be named therein his

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A.D. 1931.

executors administrators or assigns. A bond in which the principal sum is made payable to bearer shall be transferable by delivery. A bond in which the principal sum is made payable to a person named therein his executors administrators or assigns is in this section referred to as a nominal bond and shall be transferable in manner provided under or in pursuance of this section. There may be attached to a bond under this section or be thereafter issued in respect thereof (or partly one and partly the other) coupons making the interest as therein mentioned payable to the bearer of each coupon or to the person named in each coupon or his order or the interest on a bond may be made payable to the owner for the time being of such bond or may be otherwise made payable in such manner as in the said bond mentioned. A coupon making the interest therein mentioned payable to the person named therein or his order is in this Act referred to as a coupon payable to order.

(3) Every loan borrowed under this section shall be discharged by equal yearly or half-yearly instalments of principal within a period not exceeding sixty years and (save in the case of bonds determined by lot to be paid off as hereinafter provided) not less than five years from the date of the loan and such discharge shall be secured by the issue of bonds in such manner that in each year or half-year such number of bonds will become due and be paid off as will secure the repayment of the whole sum secured by all the bonds issued in respect of such loan within the period fixed for the discharge thereof but the Commissioners shall have power if so provided by the terms of such Bonds to pay off or redeem the same or any of them at any time before they become due (but subject to the limit aforesaid of five years) and on such terms as may be provided in such Bonds. The date of each loan shall with a view to the period within which such loan is to be discharged be fixed by the Commissioners and may be so fixed irrespectively of the dates of the particular bonds issued in respect of such loan so that the period within which the loan is required to be discharged be not exceeded. The Bonds in respect of any loan to be paid off in any year shall be ascertained in such manner as may have been fixed at the time of the borrowing of the loan or may thereafter have been arranged. Where the bonds to be paid off are to be determined by lot the lots shall be drawn in the presence

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of the Commissioners or one or more of their number or other person nominated by them and any owners of bonds who choose to be present; the Commissioners shall cause not less than one month's previous notice of the time and place at which the lots are to be drawn to be given by advertisement published once at the least in each of four successive weeks in some newspaper circulating in the City. All expenses incurred by the Commissioners in respect of any drawings by lot or otherwise in respect of the discharge of a loan borrowed under this section shall be paid out of the harbour revenues. Notwithstanding anything contained in the former Belfast Harbour Acts the Commissioners shall be under no obligation to form any sinking fund for the purpose of providing for or securing repayment or redemption of any loan borrowed or bond issued under this section.

(4) No notice of any trust expressed implied or constructive shall be received by the Commissioners or by any registrar or officer of the Commissioners in relation to any bond issued by the Commissioners under this section.

(5) A person advancing money to the Commissioners and receiving in consideration of such advance a bond under this section shall not be bound to inquire into the application of the money advanced or be in any way responsible for the non-application or misapplication thereof.

(6) Coupons in respect of any bond to bearer under this section may be issued comprising the interest payable during the whole period of years for which the bond is in force or any less period and at the end of any such less period fresh coupons may be issued in respect of the bond or such bond may be exchanged for another bond with coupons for a further period.

(7) A coupon payable to order which when presented for payment purports to be endorsed by the person named therein shall be a sufficient authority to the person paying the money to pay the amount due in respect of such coupon to the bearer thereof and it shall not be incumbent on the person paying such coupon to prove that such endorsement or any subsequent endorsement was made by or under the direction or authority of the person who is named in the coupon or to whom the coupon was made payable by any endorser. Where the

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A.D. 1931.

coupon bears across its face an addition in written printed or stamped letters of the name of any banker or the words of "and Company" in full or abbreviated between two transverse lines such addition shall be deemed to be a material part of the coupon and have the force of a direction to the person by whom such coupon is to be paid that the same is to be paid only to or through the banker named or if none is so named to or through some banker and the same shall be payable only to or through the banker named or some banker as the the case may be.

(8) Any coupon issued in respect of any bond to bearer under this section shall for the purpose of the Acts relating to stamp duties be deemed to have been attached to and issued with such security.

(9) If the Commissioners issue nominal bonds under this section the following provisions shall have effect with respect to the registration thereof:—

(A) The Commissioners shall cause a register of such bonds to be kept in one or more book or books and there shall be entered in such register—

(i) The names and addresses and the descriptions of the owners for the time being of every such bond with a statement of the bonds held by each person registered and

(ii) The date at which the name of any person was entered in the register in respect of any such bond.

The register under this section shall be evidence of any matters by this Act directed or authorised to be inserted therein.

(B) Any person may inspect the register at any reasonable time upon payment of such fee not exceeding one shilling as may be fixed by the Commissioners and shall be entitled to obtain from the registrar copies or extracts certified by him to be true copies or extracts of such register upon payment of such fee not exceeding two shillings and sixpence and sixpence for every hundred words required to be copied as the Commissioners may from time to time fix and any copy or extract so certified shall be admissible in evidence.

(C) If the name of any person is without sufficient cause entered in or omitted from the register or if

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default is made or unnecessary delay takes place in making any entry in such register the person aggrieved or the Commissioners may apply to the Court for an order that the register may be rectified. The Court may either refuse the application with or without costs to be paid by the applicant or may if satisfied of the justice of the case whether there has or has not been any default on the part of the registrar make an order for the rectification of the register and make such order as to the payment of the costs of the application or of damages to the person aggrieved as to the Court may seem just. The Court may in any proceeding under this section decide any question relating to the title of any party to such proceeding to have his name entered in or omitted from the register and generally any question which it may be necessary or expedient to decide for the rectification of the register.

The Court for the purposes of this section means His Majesty's High Court of Justice in Northern Ireland or any court to which the jurisdiction of that court may be transferred; and the jurisdiction by this Section given to such court may be exercised in a summary manner by any judge or judges of such court sitting in Chambers or otherwise.

(10) The following rules shall apply with respect to the transfer and transmission of nominal bonds:—

(i) A number of persons not exceeding such number as may from time to time be directed by the Commissioners may be registered as joint owners of the same nominal bond with right of survivorship between them.

(ii) Unless otherwise directed by a rule of the Commissioners the instrument of transfer of any nominal bond issued by the Commissioners shall be executed by both the transferor and the transferee and the transferor shall be deemed to remain owner of such bond until the name of the transferee is entered in the register in respect thereof.

(iii) The transfer books of nominal bonds may be closed at such times not exceeding twice in each year and during such period not exceeding fourteen days at each time of closing as the Commissioners may direct.

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A.D. 1931.

(iv) The executors or administrators of a deceased owner of a nominal bond shall be the only persons recognised by the Commissioners as having any title to such bond.

(v) Any person becoming entitled to a nominal bond in consequence of the death or bankruptcy of any owner may be registered as owner upon such evidence being produced as may from time to time be required by the Commissioners.

(vi) Unless otherwise directed by a rule of the Commissioners any person who has become entitled to a nominal bond in consequence of the death or bankruptcy of any owner may instead of being registered himself elect to have some person to be named by him registered as a transferee of such bond.

(vii) The person so becoming entitled shall testify such election by executing to his nominee an instrument of transfer of such bond.

(viii) The instrument of transfer shall be presented to the Commissioners accompanied with such evidence as the Commissioners may require to prove the title of the transferor and thereupon the Commissioners shall register the Transferee as owner.

(ix) The Commissioners shall be entitled to retain all transfers of bonds presented to them for registration.

(x) A fee of two shillings and sixpence or such other fee as may from time to time be fixed by or in pursuance of any rules made under this section shall be paid by the transferee to the Commissioners on the registration of each transfer of a bond or bonds.

(11) The Commissioners may from time to time with the consent of the Ministry of Finance of Northern Ireland make and when made add to rescind or alter such rules as they think fit with respect to the following matters :—

(A) The issue of coupons the registry of bonds the mode of transferring bonds not transferable by delivery the fees to be charged in respect of registry and otherwise in respect of any bond issued by them under this section ; and

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A.D. 1931.

(B) With respect to any matter or thing required for the purposes of carrying into effect this section and not inconsistent therewith.

The Commissioners may also by such rules as aforesaid add to rescind or alter any of the rules in the last preceding sub-section. Any rules made by the Commissioners in pursuance of this sub-section shall so far as they are consistent with this Act have the same force as if they were enacted therein. Provided that any rules made and any addition rescission or alteration made in pursuance of this sub-section shall not affect any bonds issued in respect of any loan the date of which is prior to the date of such making addition rescission or alteration.

(12) If any bond issued under this section is lost mislaid or destroyed the Commissioners shall on such indemnity being given as they may require and on payment of the expenses of the issue issue a fresh bond in the place of the bond so lost mislaid or destroyed.

Application of certain provisions of Belfast Harbour Act, 1893, to Mortgages and Bonds under this Act.

39. The provisions of the following sections of the Belfast Harbour Act, 1893, namely :—

Section 14 (Temporary investment of money raised by Stock).
Section 31 (Receiver).
Section 33 (Annual Return to Board of Trade).
Section 36 (Saving for power to sell lands, &c.) and
Section 42 (Expenses)

shall apply and have effect as if they were re-enacted in this Act and as if Mortgages under section thirty-seven of this Act and Bonds under section thirty-eight of this Act were therein referred to in place of Consolidated Stock and as if in the said section thirty-one of the Belfast Harbour Act, 1893, the words "amount in respect of interest or principal or both" were substituted for the word "dividend," provided however that the annual return under Section thirty-three of the said Act shall be sent to the Ministry of Commerce.

Application of borrowed money.

40. All moneys borrowed by the Commissioners under the authority of this Act shall be applied in and towards the execution of the works and purposes authorised by this Act and the former Belfast Harbour Acts being purposes to which capital is properly applicable and to no other purpose. And all or any moneys authorised to be borrowed under the former Belfast Harbour

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A.D. 1931.

Acts or any of them and not required for the purposes of those Acts respectively may be applied for the purposes of this Act to which capital is properly applicable.

PART V.

Miscellaneous.

Power to grant Allowances to Widows or Children of retired officers, etc.

41. The Commissioners may if they shall think fit so to do but not otherwise grant and pay allowances to the widows or children of any persons who having held appointments as officers or servants under the Commissioners have ceased to hold such appointments and have been granted pensions or retiring or superannuation allowances by the Commissioners and have died after the grant of such pensions or allowances provided that the allowances which the Commissioners shall have power to grant or pay to the widow or children of any such officer or servant under this section shall not exceed a sum which would be equal to the salary or wages of such officer or servant for one year calculated at the rate (whether weekly monthly or otherwise) payable to him by the Commissioners immediately prior to his retirement less any payments made by the Commissioners to such employee by way of pension or retiring or superannuation allowance.

Benevolent Subscriptions and Donations, etc.

42.—(1) The Commissioners may subscribe or make donations to any fund raised in case of any shipping disaster or emergency affecting persons employed at the Port or to societies or institutions for the benefit of seamen or to hospitals infirmaries convalescent homes benevolent societies and other similar institutions and objects or to the benevolent and sick funds of the employees of the Commissioners.

(2) The Commissioners may at any time if they think fit enter into an obligation to pay a fixed annual contribution during a period not exceeding ten years to or for any of the institutions or objects mentioned or described in sub-section (1) of this section.

Recovery of Penalties, etc.

43. All penalties under this Act may be recovered and enforced in manner directed by the Summary Jurisdiction Acts before a Court of summary jurisdiction.

Recovery of demands under fifty pounds.

44. Proceedings for the recovery of any demand not exceeding fifty pounds made under the authority of this Act or any incorporated enactment whether

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provision is or is not made for the recovery in any specified court or manner may be taken in the Belfast Recorders Court or the County Court. A.D. 1931.

Saving Rights of the Corporation and the Belfast City and District Water Commissioners.

45. Except as in this Act specially provided nothing in this Act shall prejudice diminish alter or take away any of the rights privileges powers or authorities of the Corporation or the Belfast City and District Water Commissioners.

Saving Rights of Crown.

46. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.

Costs of Act

47. All costs charges and expenses preliminary to and of and incidental to the preparing applying for and obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Commissioners out of the harbour revenues or out of moneys to be borrowed for the purpose under the powers of the Belfast Harbour Acts, 1847 to 1931.

CHAPTER ii.

An Act to enlarge the objects of the Royal Victoria Hospital: to provide for the dissolution of the Incorporated Belfast Maternity Hospital and the application of the property and assets thereof: and for other purposes. [26th May, 1931.]

Preamble.

WHEREAS The Royal Victoria Hospital are a Corporation Incorporated by two Royal Charters dated respectively the 6th day of March, 1875, and the 12th day of December, 1899.

And whereas the objects of The Royal Victoria Hospital as set out or referred to in the said Charters are the relief of accidents and other personal injuries and diseases and the promotion of medical and surgical science.

And whereas the Incorporated Belfast Maternity Hospital (in this Act called the Company) are a Company limited by Guarantee and were incorporated under the Companies Acts, 1862 to 1900.

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And whereas the main object of the Company was to establish endow maintain and conduct a Hospital and Nursing Institute with necessary branches for the treatment and benefit of necessitous women of all religious denominations in their confinement or suffering from diseases of women and to provide for the training of medical pupils mid-wives and nurses.

And whereas for the attainment of the objects aforesaid the Company have provided and now maintain a Maternity Hospital at Townsend Street in the City of Belfast, which affords accommodation for 27 patients.

And whereas the Company in addition to the aforesaid Hospital have now vested in them certain monies and securities which are at present of the total value of £46,900 or thereabouts and which are held for the purposes of the said Company or for some of such purposes.

And whereas the accommodation and facilities provided by the Company are no longer sufficient to meet the demands made upon them for treatment and for the training of medical students mid-wives and nurses and there now is and has been for some time past urgent need for a larger and better equipped Maternity Hospital in the City of Belfast.

And whereas for the purpose of meeting such need and providing such a new hospital which should take the place of the said Hospital in Townsend Street The Royal Victoria Hospital and the Company have joined in promoting a building fund (in this Act called the building fund) which has been subscribed to by divers charitable persons and which has now to its credit the sum of £47,382.

And whereas it is expedient and in the public interest that the proposed new hospital should be situate adjacent to the present hospital buildings of The Royal Victoria Hospital and should be erected by and be controlled and managed by The Royal Victoria Hospital.

And whereas The Royal Victoria Hospital recognising the urgent need of such a hospital and with the concurrence of the Company have already commenced the erection of a maternity hospital (in this Act called the New Hospital) designed to accommodate some 100

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patients and situate on the lands of The Royal Victoria Hospital adjacent to their present hospital at Grosvenor Road in the City of Belfast.

And whereas it is estimated that the cost of the new hospital together with all necessary equipment and plant will exceed £150,000.

And whereas it is expedient that the Company should be dissolved and that the property and assets thereof should be transferred to The Royal Victoria Hospital for the building and equipment of the new hospital as provided by this Act.

And whereas it is also expedient that the objects and powers of The Royal Victoria Hospital should be enlarged as provided by this Act.

And whereas it is expedient that such other provisions be made as are in this Act contained.

And whereas the purposes of this Act cannot be effected without the authority of Parliament.

MAY IT THEREFORE PLEASE YOUR MAJESTY That it may be enacted and be it enacted by the King's Most Excellent Majesty and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Short Title.

1. This Act may be cited as The Incorporated Belfast Maternity Hospital and the Royal Victoria Hospital Act (Northern Ireland), 1931.

Extension of objects of The Royal Victoria Hospital.

2.—(1) The objects of The Royal Victoria Hospital are hereby extended to include the treatment of women before, during and after childbirth the post natal treatment of infants and the promotion of obstetrical science.

(2) The said Royal Charters of the 6th day of March, 1875, and the 12th day of December, 1899, shall be read and construed as if the objects therein referred to included the objects mentioned in sub-section (1) of this section.

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Transfer of Property of the Company to The Royal Victoria Hospital.

3. As soon as the new hospital shall have been opened for the treatment of patients all the property then vested in the Company shall be realised and after payment of debts and liabilities the net proceeds shall be paid to the Royal Victoria Hospital and shall be applied by them towards the cost of erection of the new hospital and the provision of all plant and equipment necessary for the said new hospital.

Transfer of funds during Building.

4. During the period of construction of the new hospital it shall be lawful for the Company to transfer any part or parts of their funds to the Royal Victoria Hospital for expenditure on the building of the new hospital and the provision of plant and equipment therefor, and any funds so transferred shall be applied accordingly.

Application of Subscriptions to Building Fund.

5. All monies subscribed to the building fund shall be applied towards the cost of erection and the provision of plant and equipment necessary for the new hospital.

Delivery of Copy of Act to Registrar of Joint Stock Companies.

6. The Company shall deliver to the Registrar of Joint Stock Companies for Northern Ireland a printed copy of this Act together with a registration fee of five shillings and he shall retain and register the same and if such copy is not so delivered within three months form the passing of this Act the Company shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues and any director or manager who knowingly and wilfully authorises such default shall incur a like penalty. Every penalty under this section shall be recoverable in a court of summary jurisdiction.

Dissolution of Company.

7. On the thirty-first day of December following the payment of the balance of the net assets of the Company to the Royal Victoria Hospital the Company shall be dissolved. The Secretary of the Company shall inform the Registrar of Joint Stock Companies for Northern Ireland in writing of the date when the final transfer of the assets and property of the Company to the Royal Victoria Hospital was made.

Ratification of acts already done.

8. Every act done prior to the passing of this Act which might be lawfully done under the powers conferred

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by this Act shall be deemed to have been done under the powers conferred by this Act.

Discharge of Debts of the Company.

9. Every debt or liability of the Company which shall not through inadvertence or otherwise have been discharged before the dissolution of the Company shall on the dissolution of the Company as provided by this Act become a debt or liability of The Royal Victoria Hospital and shall be recoverable from The Royal Victoria Hospital in like manner as the same might have been recovered from the Company.

Costs of Act.

10. The taxed costs and expenses of and other outgoings incidental to the promotion of this Act which shall have been incurred by the Company and by The Royal Victoria Hospital shall be borne and paid by the Company and The Royal Victoria Hospital respectively.

CHAPTER iii.

An Act to confer powers on the Urban District Council of Donaghadee in the County of Down as to borrowing money, construction of water-works, acquisition of lands compulsorily or by agreement and for various other purposes.

[26th May, 1931.]

Preamble.

WHEREAS the District of Donaghadee in the County of Down (hereinafter called "the district") is an urban county district within the meaning of the Local Government (Ireland) Act, 1898, and is under the management and control of the Urban District Council of Donaghadee (in this Act called "the Council") and the Council are the urban sanitary authority for the district within the meaning of the Public Health (Ireland) Act, 1878:

And whereas the resident population of the district is estimated to be two thousand five hundred and thirty-two during the winter months and seven thousand five hundred during the summer months and is steadily

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growing and the Town is developing as a residential seaside and health resort:

And whereas the gross rateable value of the district amounts to Ten thousand two hundred and fifty-two pounds:

And whereas by the Donaghadee (Waterworks and Sewerage) Order, 1911, the Council were authorised to construct certain waterworks for the supply of water to the district and have constructed the said waterworks but the supply of water therefrom is insufficient for the requirements of the district:

And whereas it is expedient that the Council be authorised to construct the waterworks in this Act described and to appropriate the waters of the streams impounded by the intended waterworks and to exercise the powers in this Act contained for preventing the pollution of any waters which the Council are authorised to take by the intended waterworks and their existing waterworks and otherwise for the protection of the waterworks of the Council:

And whereas it is expedient that further borrowing powers for the purpose of this Act and for the other purposes hereinafter referred to should be conferred upon the Council:

And whereas it is expedient that the other provisions in this Act contained should be enacted:

And whereas estimates have been prepared by the Council for the purposes hereinafter mentioned and such estimates are as follows:—

For the Reservoir Pumping Station Filters Service Reservoir and Pipes	£22,000
For the acquisition of lands ...	£3,000

And whereas the works included in such estimates are permanent works within the meaning of Section two hundred and thirty-eight of the Public Health (Ireland) Act, 1878, and it is expedient that the cost thereof should be spread over a term of years:

And whereas the objects aforesaid cannot be effected without the authority of Parliament:

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And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts (Northern Ireland), 1888 and 1928 have been observed and the approval of the Ministry of Home Affairs has been obtained:

And whereas plans and sections showing the lines situation and levels of the works authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners or lessees and of the occupiers of the lands referred to or which may be taken for the purposes of this Act were duly deposited with the Clerk of the Peace for the County of Down which plans sections and book of reference are in this Act referred to as "the deposited plans" "sections" and "book of reference" respectively:

MAY IT THEREFORE PLEASE YOUR MAJESTY That it may be Enacted and BE IT ENACTED by the King's Most Excellent Majesty and the Senate and the House of Commons of Northern Ireland in the present parliament assembled and by the authority of the same as follows:—

PART I.

Preliminary.

Short title.

1. This Act may be cited as The Donaghadee Urban District Council Act (Northern Ireland), 1931.

Act divided into Parts.

2. This Act is divided into Parts as follows:—

Part I.—Preliminary.
Part II.—Water.
Part III.—Lands.
Part IV.—Financial Provisions.
Part V.—Miscellaneous.

Incorporation of general Acts.

3. The following Acts and parts of Acts (so far as the same are applicable for the purposes of and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely):—

The Lands Clauses Acts as defined by the Public Health (Ireland) Act, 1878, and as amended by this Act;

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The Waterworks Clauses Act, 1847 (except Sections sixteen and seventeen with respect to the construction of works for the accommodation of lands adjoining the waterworks and Sections seventy-five to eighty-two with respect to the amount of profit to be received by the Undertakers when the waterworks are carried on for their benefit and Section eighty-three relating to accounts) but that Act shall be read and have effect as if the words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" were omitted from Section forty-four;

The Waterworks Clauses Act, 1863;

The provisions of the Railways Clauses Consolidation Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof but such provisions shall apply only to the reservoir by this Act authorised.

Interpretation of terms.

4. The several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned shall in this Act have the same respective meanings unless there is something in the subject or context repugnant to such construction: Provided that in the Acts wholly or partially incorporated with this Act for the purposes of this Act:—

"The Undertakers" or "the Company" means the Council;

"The railway" means the reservoir aqueducts and other works by this Act authorised to be constructed;

"Centre of the railway" means with respect to the reservoir by this Act authorised to be constructed the boundaries of that reservoir;

And in this Act unless the context otherwise requires:—

"The district" means the Urban District of Donaghadee;

"The Council" means the Urban District Council of Donaghadee;

"The district fund" and "the district rate" mean respectively the district fund and the rate raised

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by the Council under the powers of the Towns Improvement (Ireland) Act, 1854, and the Public Health (Ireland) Act, 1878, as extended by any other Act;

"The Ministry of Home Affairs" means the Ministry of Home Affairs for Northern Ireland;

"The Public Health Acts" means the Public Health (Ireland) Act, 1878, and any Act or Acts amending or extending the same;

"The clerk" and "the surveyor" mean respectively the clerk and the surveyor of the Council and respectively include any person duly authorised to discharge temporarily the duties of those offices;

Words and expressions to which meaning are assigned by the Public Health (Ireland) Act, 1878 to 1918, or by the Local Government Acts (Northern Ireland), 1898 to 1929, have in this Act the same respective meanings.

PART II.

Water.

Power to make new waterworks.

5. Subject to the provisions of this Act the Council may make and maintain in the lines and situations and upon the lands delineated upon the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the reservoir and other works hereinafter described (that is to say):—

Work No. 1. An Impounding Reservoir (the Orlock Reservoir) in the Townlands of Orlock, Balloo Lower Ballyminetragh and Portavoe in the Parish of Bangor Rural District of Newtownards, Barony of Lower Ards and County of Down to be formed by means of a dam across the Orlock Stream such dam commencing at a point about ten chains measured in a westerly direction from Orlock Bridge shown on the six-inch Ordnance Map Down Sheet two (1927) and about four chains measured in a northerly direction from the said stream and terminating at a point about eight-and-a-half chains measured in a south westerly direction from the said bridge and about

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three chains measured in a southerly direction from the said stream such reservoir extending from the said dam in a south westerly direction to a point on the said stream about twenty chains measured in a westerly direction from the northern corner of Portavoe House shown on the said map and forty chains or thereabouts measured in a southerly direction from the south western corner of the building named Whinney Knowes situate in the townland of Orlock aforesaid and shown on the said map.

Work No. 2. A Pumping Station and Filters in the said townland of Portavoe situate about six chains measured in a westerly direction from the said Orlock Bridge and about one chain measured in a southerly direction from Orlock Stream.

Work No. 3. A Service Reservoir situate in the said Townland of Portavoe about fourteen chains measured in a southerly direction from Orlock Bridge and about nine chains measured in a south westerly direction from the western boundary of the main road leading from Groomsport to Donaghadee shown on the said map.

Work No. 4. A Pipeline (No. 1) in the said Townland of Portavoe commencing at the Pumping Station Work No. 2 and terminating at the Service Reservoir Work No. 3.

Work No. 5. A pipeline (No. 2) in the said Townland of Portavoe and the Townland of Ballywilliam in the said Rural District commencing at the Service Reservoir Work No. 3 and terminating in the main road between Groomsport and Donaghadee at a point where the northern boundary of the Urban District of Donaghadee crosses the said road.

Subsidiary works.

6. The Council in addition to the waterworks in this Act described may upon any lands for the time being belonging to them make and maintain all such cuts channels adits catchwaters drains filter-beds roads approaches telegraphic and telephonic apparatus appliances and conveniences connected with or ancillary to the said works or necessary for inspecting maintaining

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repairing cleansing managing working or using the same or required for the purposes of the water undertaking of the Council: Provided that nothing in this Act shall exonerate the Council from any action indictment or other proceeding for nuisance (in the event of any nuisance being caused or permitted by them) and Provided Also that such telegraphic or telephonic apparatus shall not be used for the purpose of transmitting telegrams in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act, 1869, and shall be so made maintained and used as to prevent any interference with any telegraphic line (as defined by the Telegraph Act, 1878) belonging to or used by the Postmaster General or with telegraphic communication by means of any such line.

Power to deviate in construction of waterworks.

7. In the construction of the works authorised by this Part of the Act the Council may deviate to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and the Council may also deviate from the levels shown on the deposited sections to any extent not exceeding in the case of the reservoir five feet upwards and ten feet downwards and in the case of all other works not exceeding three feet upwards and ten feet downwards: Provided as follows (that is to say):—

The Council shall not construct any embankment or wall of such reservoir of a greater height above the general surface of the ground than that shown on the deposited sections in respect of the corresponding embankment or wall and five feet in addition:

Except for the purposes of crossing over a stream no part of the pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Power to acquire easements only for aqueducts.

8.—(1) The Council may in lieu of acquiring any lands for the purpose of the aqueducts conduits or lines of pipes authorised by this Act acquire such easements and rights in and over such lands as they may require for the purpose of making maintaining cleansing repairing

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renewing and enlarging the aqueducts conduits or lines of pipes and may in the schedule of lands proposed to be taken under this Act deposited by the Council in pursuance of the incorporated provisions of the Housing of the Working Classes Act, 1890, specify such easements and rights and describe the nature thereof and the provisions of the Lands Clauses Acts as amended by this Act with respect to the acquisition of lands otherwise than by agreement shall apply to such easements and rights as fully as if the same were lands within the meaning of those Acts:

(2) As regards any lands taken or used by the Council for the purpose of such aqueducts conduits or lines of pipes where they are respectively laid underground the Council shall not (unless they purchase such lands and not merely easements therein) be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall at all times after the completion of the works and subject to the easements and rights acquired by the Council have the same rights of cultivating and using such lands as if such lands had not been taken or used by the Council.

Power to take waters.

9. Subject to the provisions of this Act the Council may for the purpose of their waterworks take collect use and appropriate all such streams springs and waters as can be taken or collected by any of the works authorised by this Act.

Powers for repairs of aqueducts and temporary discharge of water into streams.

10. For the purpose of executing any necessary work of repair or of cleansing or of examining any aqueduct conduit or line of pipes by this Act authorised the Council may cause the water in any such aqueduct conduit or line of pipes to be temporarily discharged into any available stream or watercourse. In the exercise of the power conferred by this section the Council shall do as little damage as may be and shall make full compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference in manner provided by this Act with reference to the acquisition of lands otherwise than by agreement.

Discharge of water used for sand washing.

11. The Council may discharge water used for sand washing into any stream flowing out of the reservoir by

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this Act authorised. Provided that the Council shall pay full compensation to the owner or occupier or other parties interested in any such streams for any injury caused to such owner occupier or other party in the exercise of the powers of this section and such compensation shall in case of difference be settled in manner provided by the section of this Act whereof the marginal note is "Compensation, how to be determined."

Power to make agreements for compensation water.

12. The Council may contract and agree with any person or persons who may be interested in any streams or waters authorised to be taken under this Act to provide and give to such person or persons such supply of water as may be agreed upon by way of compensation for any injury which he or they may sustain by or from the works authorised to be executed under this Act or any of them and for that purpose to make and do all such agreements matters and things as the Council shall deem expedient.

Council may take proceedings for prevention of obstructions in watercourses.

13. The Council may either in their own name or in the name of any person with his consent take such proceedings by indictment action or otherwise as they may deem advisable for the purpose of preventing the obstruction of any watercourse or outfall for water within the district or for the removal of any obstruction from any watercourse or outfall for water.

Power to hold lands for protection of waterworks.

14. The Council may hold any lands acquired by them under the powers of this Act which they may deem necessary for the purpose of protecting their waterworks against pollution fouling and contamination and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of this Act or the Lands Clauses Acts respectively but the Council shall not create or permit a nuisance on any such lands and shall not erect any buildings thereon other than offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their water undertaking.

Bye laws for preventing pollution of water.

15.—(1) The Council may make bye-laws for preventing the pollution fouling or contamination of the water which they are authorised to take for the purposes

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of any of their waterworks and may by such bye-laws prescribe the construction maintenance and use of proper drains sewers and works and make provision for the prevention of any act or thing tending to pollution of the water.

(2) The Bye-laws made under this section shall be in force within the areas from or through which the said waters flow or within so much of those areas as may be defined in the bye-laws.

(3) All bye-laws made under this section shall be subject to the approval of the Council of every county district comprising any part of the area within which it is proposed that they shall be in force : Provided that such consent shall not be necessary where in the opinion of the Ministry of Home Affairs it has been unreasonably withheld.

(4) The Council shall pay compensation to the owners of and other persons interested in any lands in respect of which bye-laws shall be made under the provisions of this section whose legal rights shall be injuriously affected by the restrictions imposed by such bye-laws and such compensation shall be settled in default of agreement by arbitration in accordance with the provisions of Sections two hundred and sixteen to two hundred and eighteen (both inclusive) of the Public Health (Ireland) Act, 1878, which sections shall apply to every such arbitration.

Power to agree as to drainage of lands, &c.

16. The Council may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of the reservoir and works by this Act authorised with reference to the execution by the Council or such owners lesses or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters by this Act authorised to be diverted collected and appropriated by the Council flowing to upon or from such lands directly or derivatively into such reservoir and works.

Reservation of water rights, &c. on sale.

17. The Council on selling leasing or disposing of any lands acquired for or in connection with their water undertaking and not required for the purpose thereof

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may reserve to themselves any rights easements or privileges in over or affecting such lands and may make the sale lease or disposition subject to such reservations accordingly and may also make any such sale lease or disposition subject to such other reservations special conditions restrictions and provisions with respect to the use or protection of water exercise of noxious or other trades or occupations or discharge or deposit of manure sewerage or other impure matter and otherwise as they may think fit.

Power to maintain and extend existing waterworks.

18. Subject to the provisions of this Act and the Acts relating to the waterworks undertaking of the Council the Council may in connection with their waterworks make lay down maintain use extend alter renew relay replace and enlarge embankments dams weirs channels sluices drains culverts cuts accesses filter beds filtering and aerating apparatus tanks cisterns meters main and distributing pipes houses buildings and other works and conveniences from time to time in use or required for preventing the pollution of and for purifying conveying and distributing water or otherwise for the purposes of the waterworks undertaking of the Council and all such works shall form part of the waterworks undertaking of the Council: Provided always that the powers of this section shall be exercised only on lands or property belonging to the Council or which may be acquired by them by agreement or over which they have rights or easements or which they are by the Waterworks Clauses Acts, 1847 and 1863, entitled to open or break up for such purposes.

Limit of pressure.

19. The water supplied by the Council need not at any time be delivered at a pressure greater than that to be afforded by gravitation from the reservoir from which the supply is given as shown on the deposited plans.

Council not bound to supply several houses by one pipe.

20. The Council shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe and a stop cock be laid from the main pipe into each house supplied by them with water.

Notice of discontinuance.

21. A notice to the Council from a consumer for the discontinuance of a supply of water shall not be of any

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effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Council.

Entry on premises to cut off pipes after notice given.

22. In all cases in which any premises which shall have been supplied with water by the Council shall have become unoccupied for a space of seven days the Council their agents and workmen after giving seven days' previous notice to the owner by serving the notice on him or sending the same by post addressed to him at his usual place of abode or business or if the owner or his usual place of abode or business be not known to the Council after inquiry by affixing the same for seven days on some conspicuous part of such premises may enter into any such premises between the hours of nine of the clock in the forenoon and four of the clock in the afternoon for the purpose of cutting off any pipes by which the water of the Council shall be conveyed to such premises and may remove any pipe meter fittings or apparatus the property of the Council repairing and making good all damage that may be done by reason of such removal.

Bye-laws for preventing waste of water.

23.—(1) The Council may make bye-laws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such bye-laws prescribe the size nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soil-pans water-closets baths cisterns and other apparatus (in this section referred to as "water fittings") to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination.

(2) Such bye-laws shall apply only in the case of premises to which the Council are bound to afford and do in fact afford or are prepared on demand to afford a constant supply.

(3) In case of failure of any person to observe such bye-laws as are for the time being in force the Council may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any water fittings

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belonging to or used by such person and not being in accordance with the requirements of such bye-laws and the expense of every such repair replacement or alteration shall be recoverable by the Council as the water rates in respect of the premises are recoverable.

Supply to houses partly used for trade, &c.

24.—(1) The Council shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required :

(2) Where the Council refuse to supply with water any building referred to in this section otherwise than by measure they shall on the application of the occupier of such building supply the same with sufficient water for domestic purposes at a rate not exceeding one shilling for every thousand gallons and the moneys payable to the Council under this section shall be recoverable in the same manner as rates due to the Council for water : Provided that the Council shall not be compelled to afford to any premises a supply of water by measure for a less sum in any half-year than the amount of the rate which would have been payable in respect of such premises for a supply of water otherwise than by measure.

Power to sell or let meters.

25. The Council may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

The provisions of Section fourteen of the Waterworks Clauses Act, 1863, shall extend to authorise the Council to let for hire any water fittings to any person supplied by them with water.

Power to supply materials.

26. The Council may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter but shall not manufacture any such pipes valves cocks cisterns baths meters soilpans water-closets apparatus and receptacles as are required or permitted by their regulations and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Council in providing such materials and executing such work shall be paid by the person requiring the same.

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A.D. 1931.

Notice to Council of connecting or disconnecting meters.

27. Before any person connects or disconnects any meter by means of which any of the water of the Council is intended to be or has been registered he shall give not less than twenty four hours' notice in writing to the Council of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Council and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Injuring meters, &c.

28. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Council or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Council shall (without prejudice to any other right or remedy for the protection of the Council) be liable to a fine not exceeding five pounds and the Council may in addition thereto recover the amount of any damage by them sustained.

And in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Council or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Council the Council may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Council by the person so offending and may be recovered by them as water rates are recoverable. The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Council when such pipe meter instrument or fittings

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is or are under the custody or control of the consumer shall be prima facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Power to lay pipes in streets not dedicated to public use.

29. The Council may on the application of the owner or occupier of any premises within the water limits of the Council abutting on or being erected in any street laid out but not dedicated to public use supply such premises with water and may lay down take up alter relay or renew in across or along such street such pipes and apparatus as may be requisite or proper for the furnishing such supply.

Agreements for supply of water outside district.

30. The Council may enter into and carry into effect agreements with any local authority company or person for the supply of water beyond the limits of this Act to any such authority company or person respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon:

Provided that such supply shall not be given except with the consent of any company or person supplying water under Parliamentary authority within the district to be supplied and of the local authority of that district nor if and so long as such supply would interfere with the supply of water for domestic purposes within the water limits of the Council.

New works to be part of the water-works undertaking.

31. The works by this Part of this Act authorised shall for all purposes be deemed to be part of the water-works undertaking of the Council.

PART III.

Lands.

Council may take lands.

32. Subject to the provisions of this Act the Council may for the purposes of this Act enter upon take and use all or any of the lands mentioned and delineated on the deposited plans and described in the book of reference.

Acquisition of lands otherwise than by Agreement.

33. For the purpose of taking lands compulsorily under this Act and the Acts incorporated therewith and of determining the amount of compensation payable by

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A.D. 1931.

the Council for the same the provisions of the Lands Clauses Acts as defined by the Public Health (Ireland) Act, 1878, with respect to the purchase and taking of lands otherwise than by agreement shall be deemed to be amended by the provisions contained in the Second Schedule of the Housing of the Working Classes Act, 1890, the Acquisition of Land (Assessment) of Compensation Act, 1919, the Referees and Arbitrators (Procedure) Act (Northern Ireland), 1922, the Administrative Provisions, Act (Northern Ireland), 1928, and the said Schedule to the said Act of 1890 (except paragraphs (4) (5) (29) and (31) thereof) shall be deemed to be incorporated with and to form part of this Act and in construing the said Act of 1890 for the purposes of this Act "the local authority" shall mean the Council and "the confirming Act" shall mean this Act and the "confirming authority" shall mean the Ministry of Home Affairs, and the "Belfast Gazette" shall be substituted for the "Dublin Gazette."

Arbitrator may award accommodation works.

34. In the event of any difference arising between the Council and the owner lessee or occupier of any lands taken under the compulsory powers of this Act or injuriously affected by the construction or use of the works authorised by this Act the arbitrator appointed in pursuance of the last preceding section may inquire and determine what works shall be made and maintained by the Council for the accommodation of such lands or may award a sum or sums of money to be paid to such owner lessee or occupier instead of requiring the Council to construct or maintain such accommodation works.

Provision for securing completion of accommodation works.

35. If the Council shall for fourteen days after the time appointed by the arbitrator for the beginning of any such accommodation works fail to begin such works or having begun such works fail diligently to execute the same in a sufficient manner the person aggrieved by such failure may execute such works or repairs and the reasonable expenses thereof shall on demand be repaid by the Council and if there be any dispute about the amount or nature of such expenses the same shall be settled by the arbitrator.

Errors and omissions in plans, &c., may be corrected by justices.

36. If any omission mis-statement or erroneous description shall have been made of any lands described in the deposited plans or deposited book of reference relating to any of the purposes of this Act it shall be lawful

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A.D. 1931.

for the Council after giving ten days' notice to the owners lessees and occupiers of the lands affected by such proposed correction to apply to two Justices of the Peace for the correction thereof and if it shall appear to such justices that such omission mis-statement or erroneous description arose from mistake they shall certify the same accordingly and they shall in such certificate state the particulars of any such omission and in what respect any such matter shall have been mis-stated or erroneously described and such certificate shall be deposited with the Clerk of the Peace of the County of Down and a duplicate thereof shall also be deposited with the Clerk of the District Council of the district in which the lands thereby affected are situate and such certificate and duplicate respectively shall be kept by such Clerk of the Peace and Clerk of the District Council respectively along with the other documents to which it relates and thereupon such plans or book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Council to take the lands and execute the works in accordance with such certificate. A copy or extract from such certificate purporting to be under the hand of the Clerk of the Peace for the County of Down or Clerk of said District Council shall be sufficient evidence of such correction.

Persons under disability may grant easements, &c.

37. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Council any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Period for compulsory purchase of lands.

38. The powers of the Council for the compulsory purchase of lands under this Act shall cease after the expiration of three years from the passing of this Act.

Power to hold or sell lands.

39. Section one hundred and twenty-seven of the Lands Clauses Consolidation Act, 1845, shall not apply to

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A.D. 1931.

any lands purchased by the Council under the powers of this Act but the Council may with the consent of the Ministry of Home Affairs sell lease or dispose of or may with the like consent appropriate to any public purpose any lands acquired by them under the powers of this Act and not for the time being required for the purposes thereof.

Power to appropriate lands for purposes of Act.

40. The Council may with the consent of the Ministry of Home Affairs and subject to such conditions as that Ministry may prescribe appropriate and use for any of the purposes of this Act any lands for the time being vested in them which are not wanted for the purpose for which such lands were originally acquired but nothing in this section shall authorise the Council to create or permit the creation or continuance of any nuisance on any such lands.

For protecting Co. Council of County of Down.

41. Notwithstanding anything contained in this Act or shewn upon the deposited plans and sections the following provisions for the protection of the County Council of the County of Down (in this section called "the County Council") shall unless otherwise agreed between the Council and the County Council apply and have effect (that is to say)—

(1) The Council shall carry out all reasonable orders of the County Surveyor of the County Council (in this section called "the County Surveyor") with respect to the repair of any road under the control of the County Council injured by or in consequence of the execution of the works authorised by this Act.

(2) The Council shall carry out the restoration works of roads under the control of the County Council opened up with similar materials and mode of construction as original surface and shall be responsible for keeping same in good repair until final consolidation takes place but not exceeding a period of twelve months.

(3) The Council shall in execution of the works authorised by this Act relay at their own expense any pipe or appliance under pressure which may require alteration in consequence

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A.D. 1931.

of any change made by the County Council in the level or width of any road under their control.

(4) All covers whether of iron or other material placed by the Council on the surface of any road or footpath under the control of the County Council to be of such design and construction as may be approved of by the County Surveyor such covers to be maintained at the level of the wearing surface to the satisfaction of the County Surveyor.

(5) The Council shall pay to the County Council all reasonable charges in relation to the superintendence of the works authorised by this Act affecting roads under the control of the County Council including the cost of any person employed specially by the County Council for this purpose.

(6) The pipe line shall in all cases pass over or under all bridges culverts or other road drainage works under the control of the County Council.

(7) Detail drawings shewing the method of carrying the pipe line over Bridge at Glenburnie in the Townland of Portavoe and under culverts at Townland Boundary and at Donaghadee Urban District Boundary shall be submitted to and approved of by the County Surveyor before the work in connection with the making of said pipe line is undertaken.

(8) The County Council shall not be under any liability for any breach or injury to the pipe line in consequence of the failure of any sea wall or defence work slip or subsidence due to the action of the tide storm or other cause.

(9) In the event of the culvert under the road at Orlock Hill becoming silted in consequence of the diminished flow or of sand washing operations the cost of the removal of the silt shall from time to time be borne by the Council.

PART IV.

Financial and Rating.

Power to borrow.

42. The Council may independently of any moneys they have already borrowed or which they may be

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authorised to borrow under the provisions of any other Act borrow on interest on the security of the district fund or district rate and for the purposes following any sum not exceeding the following sums that is to say :—

(1) For the purchase of the lands construction of the reservoir aqueducts mains and other works by this Act authorised and the laying of subsidiary water mains and pipes the sum of twenty-five thousand pounds.

(2) For paying the taxed costs charges and expenses of this Act as hereinafter provided the sum requisite for that purpose ;

and with the approval of the Ministry of Home Affairs such further moneys as the Council may require for the purposes of this Act.

And in calculating the sum the Council may borrow under any other enactment any sums they may borrow under this Act shall not be reckoned and the powers of the Council as to borrowing and reborrowing for the purposes of this Act shall not be restricted by any of the provisions of the Public Health (Ireland) Act, 1878.

Period for repayment of borrowed moneys.

43. The Council shall out of the district fund and district rate and notwithstanding any limits placed by any Act upon the amount of such rate which limits are hereby removed for the purposes of this section pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as "the prescribed periods") following (that is to say):—

(A) As to moneys borrowed for purposes (1) mentioned in section forty-two of this Act within thirty years from the date or dates of borrowing the same :

(B) As to moneys borrowed for the purpose (2) mentioned in the said section within five years from the passing of this Act.

(C) As to moneys borrowed under said section with the approval of the Ministry of Home Affairs within such period from the date or dates of borrowing the same as may be sanctioned by the said Ministry.

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A.D. 1931.

Mode of payment off of money borrowed.

44. The Council shall pay off all moneys borrowed by them under the powers of this Act either by equal yearly or half yearly instalments of principal or of principal and interest or by means of a sinking fund or partly by such instalments and partly by a sinking fund.

As to Sinking Fund.

45. In order to discharge such of the moneys borrowed under the powers of this Act as are to be repaid by means of a sinking fund the following provisions shall have effect (that is to say):—

The Council shall on or before the first day of April next following the borrowing of any moneys so to be repaid and thenceforward on or before the same day in every year appropriate and set apart out of the district fund and district rate such equal sums as will with the accumulations thereof by way of compound interest at the rate of three pounds per centum per annum be sufficient to pay off the whole of the said borrowed moneys within the periods prescribed by this Act in respect of any such moneys:

The yearly sum so to be appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends interest and annual income thereof respectively in any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust moneys and any mortgage bond debenture debenture stock corporation stock or other security authorised by or under any Act of Parliament passed or to be passed of any municipal corporation in the United Kingdom or of any local authority within Section 34 of the Local Loans Act, 1875, or of any urban sanitary authority as defined by the Public Health (Ireland) Act, 1878, but no such investment shall be made upon any securities of the Council or on securities transferable by delivery:

The Council may at any time apply the whole or part of such sinking fund in or towards the

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A.D. 1931.

repayment of the borrowed moneys for the repayment of which such sinking fund was set apart in such order and manner as they deem proper:

Provided as follows (that is to say)—

(A) That in such case they pay into such sinking fund in each year afterwards and accumulate as hereinbefore prescribed until the whole of the borrowed moneys to which such sinking fund is applicable are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the rate per centum per annum on which the annual payments to the sinking fund are based:

(B) That whenever and so long as the securities constituting any sinking fund shall be not less in value at the market price of the day than the principal moneys then outstanding and to be paid off by means of such fund the Council may in lieu of investing the said yearly income apply the same in payment of the interest on such principal and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be so paid thereto;

(C) That if and so often as the interest in any year derived from such investments is not equal to the income which would be derived therefrom at the rate per centum per annum on which the equal annual payments to the sinking fund are based such deficiency shall be made good out of the district fund and district rate but if and so often as the said interest in any year exceeds such income the difference between such interest and income shall be applicable in reduction of the sums which would otherwise be required to be paid into the sinking fund.

Power to re-borrow.

46. If having borrowed any money under this Act the Council pay off the same or any part thereof otherwise than by instalments or by means of a sinking fund or out of the proceeds of sale of land or other property or out of fines or premiums on leases or out of other money

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A.D. 1931.

received on capital account not being borrowed money they may reborrow the same and so from time to time: Provided that all money so reborrowed shall be repaid within the period prescribed for the repayment of the money in lieu of which such borrowing has been made.

Provisions of Public Health Act as to mortgages to apply.

47. The following sections of the Public Health (Ireland) Act, 1878, shall extend and apply mutatis mutandis to mortgages granted under this Act (that is to say):—

Section two hundred and forty (Form of mortgage);
Section two hundred and forty-one (Register of mortgages);
Section two hundred and forty-two (Transfer of mortgages);
Section two hundred and forty-three (Receiver may be appointed in certain cases).

Priority of existing Mortgages.

48. Nothing in this Act shall prejudicially affect any charge subsisting at the passing of this Act (by way of mortgage or otherwise) on any undertaking or fund of the Council or on any tolls rates or revenue receivable or leviable by them and every mortgagee or incumbrancer or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the property subject to his charge as if this Act had not been passed and all such charges created before the passing of this Act shall during the subsistence of such charges have priority over any mortgage or charge granted or created under this Act on the same security.

Protection of lender from inquiry.

49. A person lending money to the Council under this Act shall not be bound to inquire as to the observance by them of any of the provisions of this Act or be bound to see to the application or be answerable for any loss or non-application of the money lent or any part thereof.

Application of money borrowed.

50. Money borrowed by the Council under this Act shall be applied only for the purposes of this Act for which it is authorised to be borrowed and to which capital is properly applicable.

Proceeds of sale of surplus lands to be treated as capital.

51. The proceeds of the sale of any surplus lands of the Council under the powers of this Act and the fines and premiums on any leases granted by the Council

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A.D. 1931.

under this Act shall be distinguished as capital in the accounts of the Council and shall be applied in discharge of moneys borrowed by the Council and any moneys so discharged shall not be reborrowed: Provided that such proceeds when used to pay off borrowed moneys shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Ministry of Home Affairs.

Apportionment of rates payable by occupiers.

52. Where after the passing of this Act the Poor Rate and Consolidated Town Rate shall have been made for a particular period and the occupier who shall be rated thereto shall cease to be the occupier of the premises in respect whereof he shall be rated before the end of such period such person in case he shall have paid such rate before he ceased to be occupier shall be entitled to recover back from the Council a portion of the rate so paid proportioned to the part of such period during which he shall cease to be such occupier and in case such rate shall be in arrear and unpaid at the time he shall cease to be such occupier the Council shall recover from him a portion only of such rate proportioned to the part of such period during which his occupation continued provided always that no allowance shall be made for a fractional part of a quarter of a year and if any person shall become the occupier of any property so rated as aforesaid during any part of any period for which any rate shall have been made such person shall pay a portion of such rate proportioned to the time during which he shall have held or occupied the property so rated and any portion of any such rate which shall so become payable shall and may be collected and levied sued for and recovered by such and the same ways and means as the whole of such rate might have been collected levied sued for and recovered if this Act had not passed.

Expenses of execution of Act.

53. All expenses incurred by the Council in carrying into execution the provisions of this Act and not otherwise expressly provided for or for which such express provision is insufficient shall be defrayed as expenses under the Public Health (Ireland) Act, 1878.

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A.D. 1931.

PART V.

Miscellaneous.

Penalty for injuring street works.

54. Any person who without the consent of the Council wilfully displaces or takes up or who injures the pavement stones materials fences or posts of or the trees in any street road or footpath under the control or management of the Council shall be liable to a penalty not exceeding five pounds and to a further penalty not exceeding five shillings for every square foot of pavement stones or other materials so displaced taken up or injured he shall also be liable in the case of any injury to trees to pay to the Council such amount of compensation as a Court of summary jurisdiction may award.

Compensation how to be determined.

55. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in default of agreement be ascertained by arbitration in the manner provided by Sections two hundred and sixteen to two hundred and eighteen (both inclusive) of the Public Health (Ireland) Act, 1878, which sections shall apply to every such arbitration.

Inquiries by Ministry of Home Affairs.

56.—(1) The Ministry of Home Affairs may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act and the inspectors of the Ministry shall for the purpose of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Ministry under the Public Health (Ireland) Act, 1878.

(2) The Council shall pay to the Ministry of Home Affairs any expenses incurred by that Ministry in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Ministry not exceeding five guineas a day for the services of such inspector.

In executing work for owner Council not liable for damage.

57. Whenever the Council under any enactment or bye-law for the time being in force within the district execute re-execute or alter any work act or thing in default of the owner or occupier and in the absence of

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A.D. 1931.

default negligence or misconduct on the part of the Council or of any contractor or person employed by them are required to pay damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering such work act or thing the amount thereof when paid shall be added to and be deemed to be part of the expenses payable by such owner or occupier.

Persons acting in execution of Act not liable.

58. No matter or thing done or contract entered into by the Council nor any matter or thing done by any member officer or clerk of the Council or any person whomsoever acting under the direction of the Council shall if the matter or thing were done or the contract were entered into bona fide for the purpose of executing this Act subject them or any of them personally to any action liability claim or demand whatsoever and any expense incurred by the member officer clerk or person acting as last aforesaid shall be borne and repaid out of any of the funds at the disposal of the Council.

Authentication and service of notices.

59.—(1) Where any notice or demand under this Act or under any local Act Provisional Order or Bye-law for the time being in force within the district requires authentication by the Council the signature of the clerk or other duly authorised officer of the Council shall be sufficient authentication.

(2) Notices demands orders and other documents required to be served under this Act or under any local Act Provisional Order or bye-law for the time being in force within the district may be served in the same manner as notices under the Public Health (Ireland) Act, 1878, are by Section two hundred and sixty-seven of that Act authorised to be served : Provided that in the case of any Company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the Company at their principal office or place of business.

Evidence of appointment.

60. Where in any legal proceedings taken by or on behalf of the Council whether under this Act or under any general or local Act passed before or after this Act it becomes necessary to prove the appointment or authority of any officer solicitor servant or agent of the Council or

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A.D. 1931.

of any committee of the Council or to prove any resolution of the Council or of any committee of the Council a certificate of such appointment authority or resolution purporting to be authenticated by the signature of the chairman of the Council or the Clerk shall be prima facie evidence of such appointment authority or resolution without further proof of the holding of any meeting or the production of any minute book or other record or document.

Making of bye-laws.

61. All the provisions with respect to bye-laws contained in Sections two hundred and nineteen to two hundred and twenty-three (both inclusive) of the Public Health (Ireland) Act, 1878, and any enactment amending or extending those sections shall apply to all bye-laws from time to time made by the Council under the powers of this Act.

Recovery of penalties.

62. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any bye-law made in pursuance thereof may be prosecuted and recovered in a summary manner: Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Penalties to be paid to treasurer.

63. All penalties recovered under this Act or under any bye-law thereunder shall except in case of penalties recovered against the Council be paid to the treasurer and be by him carried to the credit of the district fund.

Recovery of demands under fifty pounds.

64. Proceedings for the recovery of any demand not exceeding fifty pounds made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified Court or manner may be taken in the County Court.

As to appeal.

65. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence or consent or approval of or by the Council or of or by any officer of the Council or by any conviction or order made by a

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A.D. 1931.

Court of summary jurisdiction under any provisions of this Act may if no other mode of appeal is provided by this Act appeal to the next Court of quarter sessions under and according to the provisions of Section two hundred and sixty-nine of the Public Health (Ireland) Act, 1878.

Informations by whom to be laid.

66. Save as herein expressly provided all informations and complaints under and for the breach of any of the provisions of this Act or the Public Health Acts or of the Towns Improvement (Ireland) Act, 1854, or of the Local Government (Ireland) Act, 1898, or of any bye-laws made under any of the said Acts may be laid and made by any officer of the Council duly authorised in that behalf or by the Clerk.

Saving for indictments.

67. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act: Provided that no person shall be punished more than once for the same offence.

Judges, &c., not disqualified.

68. A judge of any Court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being a member of the Council or liable to any rate.

Crown rights

69. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.

Costs of Act.

70. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the Parliament of Northern Ireland or otherwise in relation thereto shall be paid primarily out of the rates leviable by the Council throughout the district under the rating powers conferred upon them by the Towns Improvement (Ireland) Act, 1854, and the Public Health (Ireland) Act, 1878, in proportions to be hereafter determined by the Council or out of moneys borrowed

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under this Act for that purpose and before borrowing such moneys the Council shall by resolution determine the proportions in which the funds on the security of which such moneys are borrowed shall contribute in respect of such loans. A.D. 1931.

CHAPTER iv.

An Act to consolidate with amendments the statutory enactments relating to the Markets Undertaking of the Mayor Aldermen and Burgesses of the City of Londonderry and to confer further powers upon them with respect to that undertaking; to authorise them to construct street improvements and acquire lands; to confer further powers upon them with respect to their water and electricity undertakings; to make further provision for the health local government and improvement of the City and with respect to rating; and for other purposes.

[26th May, 1931.]

Preamble.

WHEREAS the City of Londonderry (in this Act called "the City") is under and by virtue of the Local Government (Ireland) Act, 1898, a county borough and is subject to the Acts relating to municipal corporations in Northern Ireland and the Mayor Aldermen and Burgesses of the City acting by the Council thereof (in this Act called "the Corporation") are the urban sanitary authority for the district thereof under the Public Health (Ireland) Acts:

And whereas the several local Acts and Orders mentioned in the First Schedule to this Act are in force within the City which Acts and Orders are in this Act referrred to collectively as "the former Acts":

And whereas the Corporation are under the powers of certain of the former Acts some of the provisions of which have been superseded by subsequent legislation the owners of the Markets Undertaking of the City and it

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A.D. 1931.

would be of local and public advantage if such of the provisions of the former Acts relating to that undertaking as it is deemed expedient to retain were consolidated with amendments and additions in one Act:

And whereas it is expedient to authorise the Corporation to execute the street improvements described in this Act and to acquire lands therefor and for the other purposes specified in this Act:

And whereas under the powers of certain of the former Acts and of the Public Health (Ireland) Acts the Corporation are the owners of the water undertaking of the City and supply water therein and it is expedient that the provisions with regard to that undertaking set forth in this Act should be enacted:

And whereas the Corporation are the owners of the Electricity undertaking of the City and it is expedient that the provisions in this Act contained in relation to that undertaking should be enacted:

And whereas it is expedient that further and better provision should be made with reference to streets buildings infectious disease and sanitary matters and otherwise for the local government health improvement and finance of the City and that the powers of the Corporation in relation thereto should be enlarged and extended:

And whereas it is expedient that further powers should be conferred upon the Corporation with reference to the rating of certain tenements and hereditaments in the City:

And whereas it is expedient that the Corporation should be authorised to borrow money for the purposes of this Act and that the other provisions contained in this Act should be enacted:

And whereas the purposes of this Act cannot be effected without the authority of the Parliament of Northern Ireland:

And whereas estimates have been prepared by the Corporation for the purposes hereinafter mentioned and such estimates are as follows:—

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A.D. 1931.

	£
(*a*) For the purchase of lands and the construction of the street improvements and works by this Act authorised	5,450
(*b*) For the purchase of lands for the purposes of providing pleasure grounds or open spaces	3,000

And whereas the several works included in such estimates respectively are permanent works and it is expedient that the cost thereof should be spread over a term of years:

And whereas the Corporation have complied with the requirements of the Borough Funds Acts (Northern Ireland) 1888 and 1928, in relation to the promotion of the Bill for this Act:

And whereas the consent of the Board of Trade to this Act has been obtained in accordance with the provisions of Sub-section (2) of Section two (Explanation of restrictions in Section four of Principal Act) of the Northern Ireland (Miscellaneous Provisions) Act, 1928.

And whereas plans and sections showing the lines situation and levels of the works authorised by this Act and plans showing the lands which may be acquired or used under the powers of this Act and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of and describing such lands have been deposited with the Clerk of the Crown and Peace for the County of Londonderry and of the County of the City and are in this Act referred to respectively as "the deposited plans sections and book of reference":

MAY IT THEREFORE PLEASE YOUR MAJESTY

That it may be Enacted and Be it Enacted by the King's Most Excellent Majesty and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled and by the authority of the same as follows (that is to say):—

PART I.

Preliminary.

Short and collective titles.

1. This Act may be cited as "The Londonderry Corporation Act (Northern Ireland), 1931," and this Act and

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A.D. 1931.

the Londonderry Improvement Act, 1848, the Londonderry Improvement Act, 1852, the Londonderry Improvement Act, 1855, the Londonderry Improvement Act, 1864, the Londonderry Improvement Act, 1896, the Londonderry Corporation Act, 1918, the Londonderry Corporation Act, 1920, the Londonderry Corporation Act (Northern Ireland), 1924, and the Londonderry Corporation (New Bridge) Act (Northern Ireland), 1929, may be cited together as the Londonderry Corporation Acts, 1848 to 1931.

Division of Act into parts.

2. This Act is divided into Parts as follows :—

Part I.—Preliminary.
Part II.—Markets Fairs and Slaughter-houses.
Part III.—Street Improvements.
Part IV.—Lands.
Part V.—Water.
Part VI.—Electricity.
Part VII.—Streets Buildings Drains etc.
Part VIII.—Infectious Disease and Sanitary Matters.
Part IX.—Human Food.
Part X.—Rating.
Part XI.—Finance.
Part XII.—Miscellaneous.

Incorporation of Acts.

3. The following Acts and Parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act and for the purposes of such incorporated Acts this Act shall be deemed to be the special Act within the meaning of any such Acts and "the promoters of the undertaking" and "the Undertakers" where used in those Acts shall mean "the Corporation" (that is to say) :—

(1) As from the passing of this Act the Lands Clauses Acts with the following exception and modification—

(*a*) Section one hundred and twenty-seven of the Lands Clauses Consolidation Act, 1845 (relating to the sale of superfluous lands) is not incorporated with this Act ;

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A.D. 1931

(*b*) the bond required by Section eighty-five of the Lands Clauses Consolidation Act, 1845, shall be under the seal of the Corporation and shall be sufficient without the addition of the surities mentioned in that Section.

(2) As from the commencement of Part II of this Act the following provisions of the Markets and Fairs Clauses Act, 1847 (namely): Sections two to five inclusive, twelve, fourteen to eighteen inclusive and twenty to forty-two inclusive.

Interpretation.

4. In this Act the several words and expressions to which meanings are assigned by the Public Health (Ireland) Acts, 1878 to 1919, or by the Local Government (Northern Ireland) Acts, 1898 to 1929, have the same respective meanings unless there be something in the subject or context repugnant to such construction and in this Act unless the subject or context otherwise requires—

"The City" means the City and county borough of Londonderry:

"The Corporation" means the mayor aldermen and burgesses of the City:

"The Council" means the Town Council of the City:

"The former Acts" means the Acts and Orders set out in the First Schedule to this Act:

"The improvement fund" and "the improvement rate" mean respectively the improvement fund and the improvement rate of the City:

"The Ministry of Home Affairs" means the Ministry of Home Affairs for Northern Ireland:

"The Local Government Act" means the Local Government (Ireland) Act, 1898:

"The Act of 1848" means the Act 11 and 12 Victoria Chapter CXLI intituled "An Act for the improvement of the Borough of Londonderry":

"The Act of 1918" means the Londonderry Corporation Act, 1918:

"The Act of 1920" means the Londonderry Corporation Act, 1920:

"The Order of 1891" means the Londonderry Electric Lighting Order, 1891, confirmed by the Electric Lighting Orders Confirmation (No. 3) Act, 1891:

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A.D. 1931.

"The Act of 1924" means the Londonderry Corporation Act (Northern Ireland) 1924:

"The Act of 1929" means the Londonderry Corporation (New Bridge) Act (Northern Ireland), 1929:

"The street improvements" means the street improvements and works in connection therewith by this Act authorised:

"The Irish Society" means the Society of the Governor and Assistants (London) of the New Plantation in Ulster within the realm of Ireland:

"The water undertaking" "the electricity undertaking" "the bridge undertaking" and "the ferries undertaking" mean respectively the water undertaking the electricity undertaking the bridge undertaking and the ferries undertaking for the time being of the Corporation:

"The electricity limits" means the limits within which the Corporation are from time to time authorised to supply electricity:

"The Lands Clauses Acts" means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act, 1919, and by this Act:

"The Sale of Food and Drugs Acts" means the Sale of Food and Drugs Acts, 1875 to 1907, and any Act or Acts amending or extending the same:

"The Public Health Acts" means the Public Health (Ireland) Act, 1878, and any Act or Acts amending the same:

"Diseases of Animals Acts" means the Diseases of Animals Acts, 1894 to 1922, as they apply in Northern Ireland and any other enactment including the Administrative Provisions Act (Northern Ireland), 1926, whereby the Diseases of Animals Act, 1894, has been extended or amended in its application to Northern Ireland.

The expression "the Sanitary Inspector" means the Sanitary Inspector of the City and includes any person duly authorised to discharge temporarily the duties of that office:

The expressions "the Town Clerk" "the Accountant" "the Surveyor" "the Medical Officer" "the Executive Sanitary

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Officer" "improvement fund" "improvement rate" "daily penalty" "court of summary jurisdiction" "infectious disease" "statutory borrowing power" "statutory securities" and "revenues of the Corporation" shall have the same meanings as those assigned to those expressions respectively by the Act of 1918:

"Authorised security" means any mortgage stock bond or other security which the Corporation are for the time being authorised to grant create or issue or upon or by means of which the Corporation are for the time being authorised to raise money:

"The Commissioner of Valuation" means the officer to whom the Minister of Finance for Northern Ireland has for the time being in pursuance of sub-section (3) of section one of the Ministries of Northern Ireland Act, 1921 (N.I.), assigned for exercise and performance the power and duties transferred to the Ministry of Finance for Northern Ireland from the Commissioner of Valuation and Boundary Surveyor for Ireland.

PART II.

Markets Fairs and Slaughter-houses.

Commencement of Part II.

5. This Part of this Act shall come into operation on the first day of January one thousand nine hundred and thirty-two which date is in this Part of this Act referred to as "the commencement of this Part of this Act."

Definitions for Part II.

6. In this Part of this Act unless the subject or context otherwise requires—

(1) "Market-house" means market house market hall or market building or market premises of the Corporation:

(2) "Market place" and "cattle market" mean respectively market place and cattle market of the Corporation:

(3) "Market stand" means stand stall shed pen table compartment standing-room or place in any market house market place or cattle market:

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A.D. 1931.

(4) "Marketable commodities" means commodities provisions articles and things other than animals in respect of the exposure for sale or the sale or offer for sale of which the Corporation are for the time being entitled to demand tolls in pursuance of this Act:

(5) "Marketable animals" means animals in respect of the exposure for sale or the sale or offer for sale of which the Corporation are for the time being entitled to demand tolls in pursuance of this Act:

(6) "Tolls" includes tolls rents stallages piccages pennages charges for carts or weighing or use of slaughterhouses and other levies and charges:

(7) "The market limits" means the limits of this Act for the purposes of markets fairs and slaughter houses as prescribed by section eleven of this Act:

(8) "The markets undertaking" includes all lands properties buildings premises apparatus appliances manorial and other rights real and personal property things in action franchises powers authorities and privileges for the time being belonging to or held used or enjoyed by the Corporation for or in relation to or in connection with markets fairs and slaughterhouses and matters and things incidental or subsidiary thereto or connected therewith.

Repeal of provisions relating to markets undertaking in former Acts.

7. Subject to the provisions of this Act such of the unrepealed provisions of the former Acts as relate to the markets undertaking (in this Part of this Act referred to as "the repealed enactments") including inter alia but not exclusively the enactments specified in the Second Schedule to this Act are hereby repealed.

Savings from effect of repeal.

8.—(1) Notwithstanding the repeal of the repealed enactments as aforesaid:—

(*a*) All existing bonds mortgages annuities stock or other securities granted payable or created by the Corporation under or in consequence of any of the repealed enactments shall be and continue valid and available for all purposes and for and against all parties:

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A.D. 1931.

(*b*) All property vested in the Corporation at the commencement of this Part of this Act shall continue vested in the Corporation and all acts works matters and things before the commencement of this Part of this Act done or commenced under the powers of the repealed enactments or any of them and which were at the commencement of this Part of this Act valid and available or in progress and all existing notices agreements awards conveyances contracts deeds instruments leases obligations restrictions conditions rights and remedies shall be and continue valid and available for and against all parties and may be continued enforced and completed as if this Act had not been passed:

(*c*) All actions arbitrations prosecutions and proceedings by with or against the Corporation by reason of any matter or thing accruing or done before the commencement of this Part of this Act under or in execution of or in relation to the provisions of the repealed enactments or any of them may be continued commenced taken made or prosecuted by or against the Corporation as if this Act had not been passed:

(*d*) All existing byelaws rules regulations orders and licences made or granted under or in execution of any of the repealed enactments shall continue in force until repealed altered or revoked under the provisions of this Act or until their expiration and may be enforced in like manner and with the same penalties as if made for like purposes respectively under the provisions of this Act:

(*e*) All rates rents tolls and other sums at the commencement of this Part of this Act due or accruing due to the Corporation under or by virtue of the repealed enactments may be collected and recovered by the Corporation as if this Act had not been passed:

(*f*) All books and documents which under any of the repealed enactments or otherwise would have been receivable in evidence shall be receivable in evidence as if this Act had not been passed:

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(*g*) Any agreement or document relating to the provisions of any of the repealed enactments which are re-enacted at length or by incorporation in this Act shall be of full force and effect and shall be deemed to refer to the provisions in the same behalf contained in this Act.

(2) The mention of particular matters in this Part of this Act shall not be held to prejudice or affect the general application of section thirty-eight (Effect of repeal in future Acts) of the Interpretation Act 1889.

Continuance of Corporation markets undertaking.

9. The markets undertaking as it exists at the commencement of this Part of this Act shall continue vested in the Corporation and be held and enjoyed by them.

Powers of Corporation as to markets and fairs.

10. The Corporation without prejudice to any other powers conferred upon them by this Act or by any enactment incorporated therewith or to the generality of the provision of the last preceding section shall have the following powers in relation to the markets undertaking (namely):—

(1) They may continue the markets and fairs held at the commencement of this Part of this Act and may from time to time alter the places at which the markets respectively are or may be held and establish and hold new markets and discontinue any such existing or new markets;

(2) They may continue and from time to time provide market places and market houses for the sale of any marketable commodities or marketable animals and places for fairs together with all such buildings offices approaches appliances conveniences and things as may be necessary or proper or incidental to the carrying on of any such matters;

1848, ss. 35, 36.
1918, s. 235.

(3) They may provide and maintain to the exclusion of all other persons within the market limits weighing houses and weighing machines and all proper appliances for weighing carts and for weighing or measuring articles and may appoint and pay persons to attend to such weighing or measuring;

(4) They may alter enlarge improve extend reconstruct and rebuild their existing market houses

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A.D. 1931

or they may erect or provide and maintain new buildings therefor and in connection with or as part of such market houses or new buildings or any market place or any of their markets or the markets undertaking they may maintain and may erect or provide offices shops stores warehouses toll-houses or other premises for receipt of tolls and other tenements or buildings and for the said purposes or any of them or for any purpose of any of their markets or otherwise in connection therewith or with the markets undertaking they may appropriate and use any lands for the time being vested in or belonging to them:

Provided that nothing in this section shall prevent the use by any individual of weighing machines for the ordinary purposes of his trade or business.

Application of Markets and Fairs Clauses Act 1847.

11.—(1) The provisions of the Markets and Fairs Clauses Act, 1847 (in this section referred to as "the Act of 1847"), incorporated with this Act shall apply to the Markets undertaking as if that undertaking were authorised by this Act subject and according to the following provisions:—

(*a*) In section three of the Act of 1847 in the definition of the word "cart" there shall be inserted after the word "wagon" the words "and lorry" and after the word "carriage" the words "whether mechanically propelled or not";

(*b*) The markets fairs market places and market houses of the Corporation existing at the commencement of this Part of this Act shall be deemed to have been duly opened for public use and completed and fitted for use of the persons resorting thereto and certified as being so completed and fitted and due notice of such opening shall be deemed to have been given within the meaning and for the purposes of and as prescribed by the Act of 1847;

(*c*) With respect to the slaughterhouses of the Corporation existing at the commencement of this Part of this Act due notice of the readiness thereof for public use shall be deemed to have been given as prescribed by the Act of 1847;

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(*d*) The limits of this Act for the purposes of markets fairs and slaughterhouses and within the meaning of the Act of 1847 shall be the City;

(*e*) The byelaws for the regulation of the markets within the City of Londonderry and the byelaws for the management and regulation of the Londonderry slaughterhouses in operation at the commencement of this Part of this Act shall be deemed to be byelaws duly made within the meaning and for the purposes of sections fourteen and forty-two of the Act of 1847;

(*f*) The tolls provided for by section fifteen of this Act shall be deemed to be the stallages rents and tolls to be taken by the undertakers within the meaning of the Act of 1847.

(2) Except as determined by section three of this Act and this section the provisions of the Act of 1847 shall not apply to the markets undertaking.

Power to continue establish and lease slaughterhouses.

1848, s. 37.

12.—(1) The Corporation may continue to carry on the slaughterhouses and lairages carried on by them at the commencement of this Part of this Act and may provide erect and maintain furnish fit up equip and carry on slaughterhouses and lairages with all necessary buildings pens yards railway sidings vehicles for the conveyance and delivery of carcases works and conveniences approaches buildings stalls standings and other accommodation and may use the same for the purposes of slaughterhouses and lairages and any purposes in connection with the markets undertaking.

(2) The Corporation may lease let or otherwise permit the use of for such periods in such manner for such consideration and on such terms and conditions as they think fit portions of or accommodation in the slaughterhouses or lairages provided or to be provided by them and for that purpose may enter into and carry into effect contracts arrangements and agreements with any company body or person.

Further power of making byelaws.

13. The Corporation may make byelaws for all or any of the following purposes:—

(1) For preventing the exposure for sale or the sale or offer for sale in any market house

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A.D. 1931.

market place or cattle market of any articles animals or things not being marketable commodities or marketable animals.

(2) For regulating the use of any slaughterhouses of the Corporation and any premises connected therewith for preventing the removal therefrom of any carcase or any part of a carcase until after inspection by an officer of the Corporation and for prescribing the charges to be made by the Corporation for the carriage of carcases.

Byelaws to be exhibited.

14. Printed copies of any byelaws made by the Corporation in pursuance of the provisions of this Part of this Act or the provisions of the Markets and Fairs Clauses Act, 1847, with this Act incorporated shall be conspicuously exhibited in every market fair or slaughterhouse in or to which such byelaws apply.

Tolls.

15.—(1) It shall be lawful for the Corporation to demand from any person (*a*) occupying or using any market stand in any market house market place or cattle market existing at the commencement of this Part of this Act or to be constructed provided or established under the provisions of this Part of this Act or (*b*) bringing into any such market house market place or cattle market or exposing for sale therein or selling or offering for sale therein (either by sample or otherwise) any of the commodities provisions articles animals and things specified in the first part of the Third Schedule or (*c*) exposing for sale in any cart or using any cart for the purpose of exposing for sale in any such market house market place or cattle market any of the said commodities provisions articles animals and things such tolls as the Corporation shall from time to time appoint not exceeding the several tolls specified in that part of the Third Schedule.

1848, ss. 38, 39, 40, 41 and 42 and Schedule D. 1896, s. 26 and Schedule B. 1918, s. 239.

(2) It shall be lawful for the Corporation to demand from any person exposing for sale or selling or offering for sale (either by sample or otherwise) in any street building or place within the market limits not being his own dwelling-house or shop or a market house market place or cattle market any of the marketable commodities or marketable animals specified in the first part of the Third Schedule such tolls as the Corporation may from time to

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A.D. 1931.

time appoint not exceeding the tolls which the Corporation are for the time being entitled in pursuance of this Part of this Act to demand from any person exposing for sale or selling or offering for sale such commodities or marketable animals in any market house market place or cattle market and this notwithstanding that any such commodities or animals may not at the time of such sale or offer for sale be within the market limits Provided that nothing in this subsection shall apply to any person exposing for sale or selling or offering for sale any marketable commodities or marketable animals in pursuance of a licence granted to him by the Corporation under section sixteen of this Act.

(3) It shall be lawful for the Corporation or the persons for the time being appointed to attend the weighing houses or places for weighing and measuring any article sold by weight or measure in any market house market place or cattle market or elsewhere within the market limits to demand such tolls as the Corporation may appoint not exceeding in any case the amount specified in the second part of the Third Schedule.

(4) It shall be lawful for the Corporation or the person for the time being appointed to attend the machines for weighing carts within the market limits to demand from the person requiring the same to be weighed such tolls as the Corporation may appoint not exceeding in any case the amount specified in the third part of the Third Schedule.

(5) It shall be lawful for the Corporation to demand from any person in respect of the use of the slaughterhouses of the Corporation such tolls as the Corporation shall from time to time appoint not exceeding the amount specified in the fourth part of the Third Schedule.

(6) In place of all or any of the maximum tolls specified in the Third Schedule the Corporation may from time to time by resolution approved by the Ministry of Home Affairs fix other maximum tolls and the tolls so fixed shall thereafter be the maximum tolls which the Corporation may demand and take for the several matters to which the maximum tolls thus altered respectively relate.

(7) In addition to or in substitution for any of the marketable commodities and marketable animals specified in the Third Schedule the Corporation may from time to

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A.D. 1931.

time by resolution approved by the Ministry of Home Affairs specify other marketable commodities and marketable animals and fix maximum tolls in respect thereof and the marketable commodities and marketable animals so specified and the tolls so fixed in respect thereof shall thereafter be respectively commodities and animals in respect of the exposure for sale or the sale or offer for sale of which the Corporation shall be entitled to demand tolls and the maximum tolls which the Corporation may demand and take in respect thereof.

(8) The several tolls payable in respect of any marketable commodities or marketable animals exposed for sale shall be payable in respect of each commodity or quantity of commodities or of each animal for each day or part of a day during which the same is exposed for sale.

(9) The several tolls payable in respect of any marketable commodities or marketable animals shall be paid not only by the original seller but also by any subsequent seller or person who exposes or offers for sale (either by sample or otherwise) such marketable commodities or animals and all the said tolls shall respectively be payable at such place or places within the market limits as the Corporation may appoint for the purpose and before any such marketable commodities or animals are exposed for sale or sold or offered for sale.

(10) Any toll payable with respect to the occupation or use of any market stand shall be paid not only by the original taker or occupier thereof for the part of a day or other time but also by any subsequent taker or occupier thereof for any other part of the same day or other time.

(11) The Order of the Local Government Board (Ireland) dated the eighteenth day of March nineteen hundred and twenty-one prescribing certain stallages rents tolls and charges for the purposes of section two hundred and thirty-nine (Power to levy market, etc., tolls prescribed by the Local Government Board) of the Act of 1918 is hereby annulled and such annulment shall be deemed to be the repeal of an enactment for the purposes of the Interpretation Act, 1889.

Licences for sales out of market.

16.—(1) The Corporation may from time to time if they think fit grant to any person a licence to expose for sale or sell or offer for sale within the market limits or any part thereof from door to door or in any place other than

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A.D. 1931.

a market house market place or cattle market or his own dwelling-house or shop any marketable commodities or marketable animals.

(2) Every such licence may (subject to the provisions of subsection (3) of this section) be granted on such terms and conditions as the Corporation think fit and so as to endure for a period not exceeding twelve months and to be revocable in such cases as the Corporation may prescribe.

(3) The Corporation may demand and take for every such licence a sum of two pounds per annum.

(4) If any person does any act in contravention of or omits to do anything required by a licence granted to him under this section he shall be liable to a penalty not exceeding forty shillings for every day on which any such offence is committed by him.

Prohibition of sales out of market except as specified.

17. Every person who shall expose for sale or sell or offer for sale (either by sample or otherwise) within the market limits except in his own dwelling-house or shop or in a market house market place or cattle market any marketable commodities or marketable animals shall for every such offence be liable to a penalty not exceeding forty shillings Provided that nothing in this section shall apply to a person who exposes for sale or sells or offers for sale any marketable commodities or marketable animals in pursuance of a licence granted to him by the Corporation under section sixteen of this Act or who exposes for sale or sells or offers for sale any marketable commodities or marketable animals in respect of which he is liable for and pays a toll in pursuance of the provisions of subsection (2) of section fifteen of this Act.

Power to lease markets &c.

1848, s. 43.

18. The Corporation may grant to any person upon such terms as may be agreed between the Corporation and such person a lease for any term not exceeding three years (with a right if they think fit of assigning the lease with their consent) of any markets or market houses weighing houses or places or weighing machines belonging to them or of the tolls authorised to be demanded by the Corporation under this Act or any of them.

Power to lease &c. market stands &c.

19. The Corporation may grant to any person a lease for any term not exceeding twenty-one years (with the right if they think fit of assigning the lease with their

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A.D. 1931.

consent) or any tenancy or right of exclusive use for any period not exceeding three years of any of the market stands in any market market place market house or cattle market or of any office shop store warehouse toll-house or building situate in any of their markets or forming part of or acquired or erected in connection with the markets undertaking. 1848, s. 44.

Power to sell &c. or utilise for other than market purposes certain markets.

20.—(1) The Corporation with the consent of the Ministry of Home Affairs may sell exchange demise let grant in fee farm or otherwise dispose of or may appropriate and utilise for any of the purposes of the Corporation all or any part or parts of the following Markets of the Corporation (that is to say):—

(*a*) The Victoria Market.
(*b*) The Butter Market.
(*c*) The Waterside Market.

1924, s. 88

(2) Any portion or portions of the Markets of the Corporation sold exchanged demised granted or otherwise disposed of or appropriated and utilised for any of the purposes of the Corporation under the provisions of subsection (1) of this section shall be thereupon released from any provisions applicable to such markets and from any market or other rights thereover.

(3) If the Corporation sell exchange demise let grant in fee farm or dispose of the said Waterside Market or any part thereof or appropriate or utilise that Market or any part thereof for any purpose other than market purposes the Corporation shall pay to the Irish Society the full yearly rent or sum of thirty-six pounds sterling reserved by the Deed of Fee Farm Grant from the Irish Society to the Corporation of the 11th day of February, 1908, and at the dates and in the manner in the said Deed mentioned.

Prohibition of sale of cattle in streets.

21. So long as the Corporation shall provide a market house or market place for the sale of cattle and animals no person shall sell or expose for sale any cattle or animal in any of the streets within the market limits and if any person shall act in contravention of the provisions of this section he shall be liable to a penalty not exceeding five pounds for every such offence. 1848, s. 45.

As to emaciated or diseased animals.

22.—(1) The market keeper any officer of the market the sanitary inspector or any constable may remove or exclude from any market or from the market

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A.D. 1931.

limits any emaciated or diseased animal which in the opinion of a duly registered veterinary surgeon or of the medical officer is unfit for human food and any animal which after inspection by a duly registered veterinary surgeon is suspected by him to be affected with tubercular disease.

(2) Every veterinary inspector of the Corporation the market keeper any officer of the market the sanitary inspector or any constable may detain for a period not exceeding the hours of the market and three hours after the closing of the market on the day upon which such animal is so detained any emaciated or diseased animal brought to any cattle market and any person wilfully obstructing or impeding any officer in so doing shall be liable to a penalty not exceeding five pounds.

Power to provide cold storage.

1918, s. 236.

23. The Corporation may—

(1) Construct and maintain in connection with any of their markets or slaughterhouses a refrigerator or cold air store with all machinery apparatus and appliances necessary for the proper working and user thereof and for the storage and preservation of meat and other articles of food;

(2) Demand and take in respect of the use of any such refrigerator or cold air store such charges as the Corporation may determine;

(3) Lease for any term not exceeding twenty-one years any such refrigerator or cold air store or any part thereof at such rent and on such terms and conditions as the Corporation may think fit;

(4) Make byelaws with respect to the management of any such refrigerator or cold air store.

Penalty for attempt to evade payment of tolls &c.

1918, s. 237.

24. If any person liable to pay any toll to the Corporation under or in pursuance of this Act shall give an incorrect account of the same or make any false statement in relation thereto or refuse or neglect to give a correct account thereof with a view to evading or attempting to evade the payment of such toll or any part thereof he shall without prejudice to any other right or remedy of the Corporation be liable to a penalty not exceeding forty shillings and to pay the amount of the toll so evaded or attempted to be evaded.

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A.D. 1931

Prohibition of slaughtering elsewhere than in public slaughterhouses. 1918, s. 238.

25. So long as the Corporation shall provide adequate slaughterhouse accommodation conveniently situated no person shall slaughter in the way of trade or dress for sale any cattle within the market limits except in the premises provided for that purpose by the Corporation and if any person shall act in contravention of the provisions of this section he shall be liable to a penalty not exceeding five pounds for each such offence.

Provided that nothing in this section shall prevent a farmer from slaughtering on land occupied by him for agricultural purposes any cattle belonging to him for his own use or with the consent of the Corporation for any other purpose or in case of emergency without such consent but no part of the carcase of any animal so slaughtered by a farmer shall be removed from the farm until after inspection by the medical officer or the executive sanitary officer such inspection to be made within a reasonable time.

Nothing in this section contained shall interfere with the operation or effect of the Diseases of Animals Acts or of any Order or licence of the Department of Agriculture and Technical Instruction for Ireland or of the Ministry of Agriculture made or granted thereunder.

Extension of sections one hundred and thirty-two to one hundred and thirty-five of Public Health (Ireland) Act, 1878.

26.—(1) Any animal brought to any cattle market at which animals intended for food are in fact sold shall (unless the contrary be proved) be deemed to be deposited for the purposes of sale and intended for food within the meaning of sections one hundred and thirty-two to one hundred and thirty-five (relating to unsound meat &c.) of the Public Health (Ireland) Act, 1878, and the provisions of those sections shall respectively apply to any such animal.

(2) Any person knowingly causing directing or permitting any animal which is diseased or unsound or unwholesome or unfit for food to be brought to any such market and any person (including any auctioneer) who offers for sale or sells any such animal knowing it to be diseased or unsound or unwholesome or unfit for food as well as the persons mentioned in section one hundred and thirty-three of the Public Health (Ireland) Act, 1878, shall be liable to a penalty as mentioned in the said section one hundred and thirty-three.

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A.D. 1931.

Use of market place for public meetings &c.

27. The Corporation may permit any market place or any land used for the purposes of any market or fair and any open land belonging to them in connection with the markets undertaking to be used for public meetings public services and speaking and public lectures or for entertainments and dancing and they may make regulations with respect to the purposes of such user and as to the conduct of persons resorting to any place so used and may make such charges as they may from time to time determine for any such user of any such place but nothing in this section shall operate to prevent the holding of any market nor empower the Corporation to make any charge for the use of land forming part of any street.

Power to take possession of stalls for non-payment of rent &c.

28. If any person occupying or using any market stand shall not after any toll has become due and payable to the Corporation in respect of the market stand and after demand has subsequently been made therefor pay the same within three days of the demand the Corporation may enter upon and take possession of that market stand and re-let the same without prejudice to any other remedy for the recovery of such toll.

PART III.

Street Improvement.

Power to make street improvements.

29. Subject to the provisions of this Act the Corporation may in the lines and according to the levels shown upon the deposited plans and sections and described in the deposited book of reference make and maintain the street improvements within the City hereinafter described together with all proper works and conveniences connected therewith (that is to say):—

Work No. 1.—An extension of the street known as Bellevue Avenue commencing in the centre of Bellevue Avenue at its north-east end passing in a north-easterly direction for a distance of 70 feet or thereabouts and terminating at a point in the centre of Abercorn Road between the properties numbered 41 and 47 in that Road.

Work No. 2.—A new street commencing at a point in the centre of Ferguson Street opposite the centre of the property numbered 43 in that street passing in a north-easterly direction for a distance of 620 feet or thereabouts and termi-

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A.D. 1931.

nating at a point in the centre of Abercorn Road distant 120 feet or thereabouts west of the junction of Abercorn Road and Lower Bennett Street.

Power to alter steps areas pipes &c.

30. Within the limits of deviation shown on the deposited plans relating to the street improvements the Corporation may raise sink or otherwise alter the position of any of the steps areas cellars windows and pipes or spouts belonging to any house or building and may remove all other obstructions so that the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit and the provisions of section two hundred and seventy-four (Compensation in case of damage by local authority) of the Public Health (Ireland) Act, 1878, shall apply as if the acts done under the authority of this section were done in exercise of the powers of that Act.

Power to erect shops &c. in connection with street improvements.

31. The Corporation may upon the lands shown on the deposited plans and in connection with and as part of the street improvements provide erect and maintain shops and conveniences in connection therewith and let the same on lease or otherwise or any part or parts of the same for such purposes on such conditions and for such periods as they think fit.

Application of materials excavated in construction of works.

32. Any paving metalling or material excavated by the Corporation in the construction of any works authorised by this Part of this Act or from any road under their jurisdiction and control shall absolutely vest in and belong to the Corporation and may be dealt with removed and disposed of by them in such manner as they may think fit.

Power to reinstate owners of property.

33. The Corporation may enter into and carry into effect agreements with the owners of or other persons interested in any land which may be acquired under the provisions of this Act or which may be in the neighbourhood of any of the street improvements with respect to the reinstatement of such owners or other persons and with respect to the exchange of lands for that purpose and the Corporation may pay or receive money for equality of exchange.

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A.D. 1931.

Application of provisions of Act of 1918.

34. The provisions contained in the sections of the Act of 1918 the numbers and marginal notes of which are set forth in this section shall so far as applicable and with the necessary modifications extend and apply to and for the purposes of or in relation to the street improvements as if those enactments were in this Act re-enacted with reference thereto.

The sections hereinbefore referred to are—

Section thirty-one (Power to make subsidiary works).

Section thirty-two (Lands laid into streets to be public highways).

Section thirty-three (Limits of deviation for street works).

Section fifty-three (Temporary stoppage of streets).

For protection of Postmaster General.

35. In the exercise of the powers of this Part of this Act the Corporation shall not raise sink or otherwise alter any telegraphic line (as defined by the Telegraph Act, 1878) belonging to or used by the Postmaster General except under and subject to the provisions of the said Act.

PART IV.

Lands.

Power to take lands for street improvements.

36. Subject to the provisions of this Act the Corporation may enter upon take and use all or any part of the lands delineated on the deposited plans and described in the deposited book of reference which they may require for the purposes of the street improvements or for the purpose of recoupment or exchange or for rehousing persons displaced under the provisions of this Act or for the providing of space for the erection of buildings adjoining or near to any such street improvements.

Power to take other lands.

37. Subject to the provisions of this Act the Corporation may enter upon take and use for the purposes of providing pleasure grounds or open spaces the lands in the City or any part or parts thereof so far as those lands are shown on the deposited plans and described in the deposited book of reference and included within the limits of land to be acquired shown upon those plans (that is to say) the lands described in the Fourth Schedule to this Act.

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Period for compulsory purchase of lands.

38. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of five years from the passing of this Act.

Benefits to be set off against compensation.

39. In estimating the amount of compensation or purchase money to be paid by the Corporation in respect of the acquisition under this Act of any part of the lands of any person the enhancement in value of the adjoining lands of such person not so acquired or of any other lands of such person which are continuous with such adjoining lands arising out of the construction of the street improvements or arising through such adjoining lands becoming lands fronting on any street shall be fairly estimated and shall be set off against the said compensation or purchase money.

Further powers for acquisition of land.

40.—(1) The Corporation notwithstanding that the same may not be immediately required may by agreement purchase or acquire or take on lease or in fee farm and hold any lands which in their opinion it is desirable the Corporation should acquire for or connected with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the City and with the consent of the Ministry of Home Affairs may borrow money for the purchase or acquisition of such lands or for payment of any capital sum payable under a lease thereof. Any money so borrowed shall be repaid within such period as may be prescribed by the said Ministry.

(2) When any lands purchased or acquired or taken on lease or in fee farm by the Corporation under this section shall be appropriated to any undertaking or to any of their powers or duties a transfer of the outstanding loan in respect thereof shall be effected to the proper account in the books of the Corporation and pending such appropriation all expenses incurred by the Corporation under this section shall be payable out of the Improvement Fund and Improvement Rate.

(3) The Corporation may so far as they consider necessary apply subject to the approval of the Ministry of Home Affairs any capital moneys received by them on the re-sale grant in fee farm or exchange of or by leasing any lands acquired under the authority of this section in the purchase of other lands but as to capital moneys so

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A.D. 1931.

received and not so applied the Corporation shall apply the same either—

(*a*) in or towards the extinguishment of any loan raised by them under the powers of this Act such application being in addition to and not in substitution for any other mode of Extinguishment of such loan except to such extent and upon such terms as may be approved by the Ministry of Home Affairs; or

(*b*) In such other manner as may be approved by the Ministry of Home Affairs.

Retention and disposal of lands.

41.—(1) Notwithstanding anything in any other Act or Acts or otherwise to the contrary but subject to the provisions of this Act the Corporation may retain hold and use for such time and for such purposes as they may think fit or may sell lease exchange grant in fee farm or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under any general or local Act for the time being in force in the City or any Provisional or other Order and may sell exchange grant in fee farm or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange grant in fee farm or other disposition and on any exchange may give or take any money for equality of exchange:

Provided that the Corporation shall not without the consent of the Ministry of Home Affairs sell lease exchange grant in fee farm or otherwise dispose of any such lands or any interests therein at a price or rent or for a consideration of a value less than the current market value of such lands or interests but a purchaser or lessee shall not be concerned to enquire whether the consent of the Ministry is necessary or has been obtained.

(2) Nothing in this section shall be taken to dispense with the consent of any Government department to any sale lease grant in fee farm appropriation or other disposi-

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A.D. 1931.

tion of any lands of the Corporation in any case in which such consent would be required if this Act had not been passed.

(3) Nothing in this section contained shall release the Corporation or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance fee farm grant lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Corporation or any person from or through whom the Corporation may have derived or may hereafter derive title to the same and which may otherwise be still valid and subsisting but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this Act had not been passed.

Power to develop lands &c.

42.—(1) Notwithstanding anything in any other Act or Acts or otherwise to the contrary but subject to the provisions of this Act the Corporation may with the consent of the Ministry of Home Affairs lay out and develop any lands acquired by them under any general or local Act for the time being in force within the City or any Provisional or other Order and any other lands for the time being belonging to the Corporation and may erect and maintain houses shops offices warehouses and other buildings and construct sewer pave flag channel and kerb streets roads and ways on any of such lands and may sell lease exchange grant in fee farm or otherwise dispose of any such lands houses shops offices warehouses or buildings upon and subject to such terms conditions and restrictions as they may think fit.

(2) The Corporation may also grant building leases of any such lands as aforesaid subject to such restrictions and conditions as the Corporation may see fit to impose and may grant any easements rights or privileges in under or over such lands or any part or parts thereof and may use or dispose of the building or other materials of any houses or premises on any lands acquired or appropriated by them which they may deem it necessary or desirable to pull down.

(3) The Corporation in selling or disposing of such lands may attach to the same and may convey the same

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A.D. 1931.

subject to any conditions and restrictions upon the use thereof and as to the buildings to be erected thereon and as to the use to which such buildings may be put.

(4) The Corporation shall not (unless the Ministry of Home Affairs otherwise direct) sell lease exchange grant in fee farm or otherwise dispose of any of the lands to which this section applies except at the best price or on the best terms which can be obtained for the same but a purchaser or lessee shall not be concerned to enquire whether the direction of the Ministry is necessary or has been obtained.

As to acceptance of surrender of leases &c.

43.—(1) The Corporation may accept a surrender of any grant in fee farm lease or letting of lands granted by them and in their discretion grant either to the lessee or tenant under the surrendered lease or letting or to any other person a new grant in fee farm lease or letting of all or any of the lands granted in fee farm leased or let by the surrendered fee farm grant lease or letting and may grant reversionary leases of all or any of such lands as aforesaid.

(2) The Corporation may enter into and carry into effect any agreement for or with respect to the surrender or grant of any such grant in fee farm lease or letting and may in any such grant in fee farm lease letting or agreement give to the grantee lessee or tenant or intended grantee lessee or tenant an option or right to purchase the fee simple in reversion or other the reversionary interest of the Corporation of or in all or any of the lands granted in fee farm leased or let or agreed to be granted in fee farm leased or let at such time and on such terms and conditions as may be determined by the Corporation in their discretion.

Incorporation of provisions of Act of 1918 and Act of 1924.

44. The provisions contained in the sections of the Act of 1918 and the Act of 1924 the numbers and marginal notes of which are respectively set forth in this section shall so far as applicable and with the necessary modifications extend and apply to and for the purposes of this Act or in relation to the lands by this Act authorised to be acquired as if those enactments were in this Act re-enacted with reference thereto.

The sections hereinbefore referred to are :—

THE ACT OF 1918.

Section thirty-eight (Correction of errors in deposited plans and book of reference).

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A.D. 1931.

Section forty (Persons under disability may grant easements etc.).
Section forty-two (Provisions as to compensation).
Section forty-three (Application of purchase money in certain cases.)
Section forty-six (Owners may be required to sell parts only of certain lands and buildings).
Section forty-seven (As to private rights of way over lands taken compulsorily).

Provided that—

(*a*) In the application of section forty-two of the Act of 1918 the eighteenth day of November one thousand nine hundred and thirty shall be deemed to be referred to instead of the eighteenth day of November one thousand nine hundred and seventeen.

(*b*) In the application of section forty-six of the Act of 1918 the premises numbered on the deposited plans 2, 3, 6, 7, 8 and 12 in the City shall be deemed to be referred to instead of the premises described in the Second Schedule to that Act.

THE ACT OF 1924.

Section eighty-four (Power to Corporation to enter upon property for survey and valuation).

PART V.

Water.

Extension of period limited for construction of Water-work No. 3 authorised by Act of 1918.

45. The period limited by section fifteen (Period for completion of works) of the Act of 1918 for the completion of the aqueduct conduit or line of pipes (Work No. 3) authorised by Part II (Waterworks) of that Act as extended by section seventy-four (Extension of period limited for construction of waterworks authorised by the Act of 1918) of the Act of 1924 is hereby further extended until the thirtieth day of July nineteen hundred and thirty-six.

Prohibiting bathing and boating on reservoirs of Corporation.

46.—(1) No person shall bathe or wash any part of his person or any article or thing or commit any nuisance in any reservoir of the Corporation or except with the consent of the Corporation use any boat upon any such reservoir.

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(2) Any person offending against the provisions of this section shall on summary conviction be liable to a penalty not exceeding five pounds.

Supply to houses partly used for trade &c.

47.—(1) The Corporation shall not be bound to supply with water otherwise than by measure—

(*a*) Any building used by an occupier as a dwelling house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required; or

(*b*) Any workhouse public institution hospital (whether public or private) asylum (whether public or private) sanatorium school club hotel assembly hall public-house restaurant inn or common lodging-house; or

(*c*) Any boarding-house or public institution habitually occupied by at least twelve persons.

(2) Section fifty-seven (As to supply to houses partly used for trade and schools) of the Act of 1918 is hereby repealed.

Charges for supplies for refrigerating apparatus.

48. Where a person who takes a supply of water for domestic purposes from the Corporation desires to use for or in connection with a refrigerating apparatus any of the water so supplied the Corporation shall be entitled to require that all water so used shall—

(*a*) Be taken by meter and paid for accordingly and in that event the minimum quarterly charge for the water shall be ten shillings; or

(*b*) be paid for at such rates as may be agreed between the consumer and the Corporation.

Special terms for supplies to caravans shacks and huts.

49.—(1) Notwithstanding anything in this or any other Act relating to the Corporation contained a person shall not be entitled to demand or continue to receive from the Corporation a supply of water to any caravan shack hut tent or other like structure unless he has agreed with the Corporation to take a supply of water by meter and to pay to the Corporation such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them in providing the supply or supplies required by him and will cover other standing charges incurred by them in order to meet the possible maximum demand for his caravan shack hut tent or structure and

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A.D. 1931.

will yield a reasonable return on the cost of the water consumed or used by him and unless he has secured to the reasonable satisfaction of the Corporation by way of deposit or otherwise payment of such a sum as may be reasonable having regard to the possible maximum demand of such person for his caravan shack hut tent or structure.

(2) The sum to be so paid and the security to be so given shall be determined in default of agreement by a court of summary jurisdiction who may also order by whom the costs of the proceedings before them shall be paid and the decision of the justices shall be final and binding on all parties.

Extension of section fifty-nine of Act of 1918.

50. If the owner of any house supplied with water by the Corporation when so required in pursuance of section fifty-nine (Corporation not bound to supply several houses by one pipe) of the Act of 1918 fails within a period of one month after the receipt of such requirement to provide a separate pipe from the main pipe into such house the Corporation may themselves do the work necessary in that behalf and may recover from such owner the cost incurred by them in so doing summarily as a civil debt.

Register of meters to be prima facie evidence.

51.—(1) Where water is supplied by measure the register of the meter or other instrument for measuring water shall be prima facie evidence of the quantity of water consumed and in respect of which any water rate rent or charge is charged and sought to be recovered by the Corporation: Provided always that if the Corporation and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties the cost of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

(2) In the event of any meter used by a consumer of water being proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter. The amount of the allowance to be made to or of the surcharge

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A.D. 1931.

to be made upon the consumer by the Corporation shall be paid by or to the Corporation to or by the consumer as the case may be and shall be recoverable in like manner as rates for water are recoverable by the Corporation.

Penalty for opening valves &c.

52. Any person being the owner or occupier of any house or building or part of a house or building or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of a supply of water by the Corporation who shall without the authority of the Corporation turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Corporation provided or available for the purposes of affording such supply shall be deemed to commit an offence under section sixty of the Waterworks Clauses Act, 1847, and the said section shall extend and apply accordingly.

Extension of power to inspect premises.

53. In addition to the powers conferred by section fifty-seven of the Waterworks Clauses Act, 1847, any duly authorised officer of the Corporation may at all reasonable times between the hours of four and seven o'clock in the afternoon enter into any house or premises supplied with water by the Corporation in order to examine if there be any waste or misuse of such water and if any person hinder any such officer from entering or making such examination as aforesaid he shall for every such offence be liable to a penalty not exceeding five pounds.

Extension of provisions of Public Health (Ireland) Act 1878 relating to water mains.

54. The provisions of section sixty-four (Power of carrying mains) of the Public Health (Ireland) Act, 1878, and the other relevant provisions of that Act applicable to the carrying of water mains within and without the district of a sanitary authority under the authority of that section shall with the necessary modifications extend and apply (mutatis mutandis) so as to empower the Corporation to remove any water mains constructed and laid down by them under the said section either within or without the City and any works incidental thereto.

Cleansing of cisterns.

55. The Corporation may make byelaws for securing the cleanliness and freedom from pollution of tanks cisterns and other receptacles in the City for storing water used or likely to be used by man for drinking or domestic purposes or for manufacturing drink for the use of man.

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PART VI.

Electricity.

As to electricity limits of Corporation.

56. Where under the provisions of any Act or Order relating to the Corporation or the electricity undertaking the electricity limits are bounded by or abut upon any road such limits shall be deemed to extend to the centre of the road.

Agreements for supply of electricity.

57. Notwithstanding anything in any Act or Order relating to the Corporation or the electricity undertaking the Corporation on the one hand and any authority company body or person (other than authorised distributors) to whom the Corporation are authorised to supply electricity on the other hand may enter into and carry into effect contracts or agreements for or with respect to the supply of electricity by the Corporation to such authority company body or person and at such price and on such terms and conditions as may be agreed and the Corporation may supply electricity accordingly: Provided that the Corporation shall not in making any such contract or agreement show any undue preference to any such authority company body or person but so as not to affect any obligation imposed upon the Corporation under authority of a public general statute to furnish at cost supplies of electricity in bulk to an Electricity Board established under such statute.

Supply to premises partly without electricity limits.

58. The Corporation may by agreement supply electricity to any house building or premises which or the curtilage of which is partly within and partly outside the electricity limits in the same manner as if such premises were wholly within such limits.

Power to construct electrical sub-stations under streets.

59.—(1) Subject to the provisions of the Electricity (Supply) Acts, 1882 to 1919, and the provisions of the Order of 1891 with respect to "Works" the Corporation may in or under any street repairable by the inhabitants at large or dedicated to public use and (with the consent of the persons liable to repair the same) in or under any street not so repairable or not dedicated to the public use construct and maintain sub-stations transforming stations and other works in connection with the electricity undertaking and may in any such street as aforesaid provide and maintain all such means of access and approach to

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A.D. 1931.

such sub-stations transforming stations and works as may be necessary or convenient: Provided that where in the opinion of the Corporation the consent of the person liable to repair any street not repairable by the inhabitants at large or not dedicated to the public use is unreasonably withheld the Corporation may appeal to a court of summary jurisdiction who shall have power to allow the construction and maintenance of such sub-stations transforming stations and works subject to such terms and conditions as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid :

Provided that the Corporation shall not under the powers of this section except with the consent in writing of the railway company or railway committee construct any such sub-station transforming station or other work (*a*) in any street belonging to and repairable by a railway company or railway committee and forming the approach to any station or depot of such company or committee or (*b*) so as to obstruct the access to or exit from any station or depot of a railway company or railway committee constructed and maintained under statutory authority.

Power to lay down electric lines under rivers and streams.

60.—(1) Subject to the provisions of this Act the Corporation may within the electricity limits lay down place maintain and use electric lines on the bed of any river or stream between two streets in any case in which such streets abut on opposite sides of such river or stream and are situate either immediately opposite each other or within a distance of not exceeding one hundred yards measured along the stream from one street to the other but no such lines shall be so laid down placed maintained or used as to injuriously affect or to interfere with the use of any existing works or apparatus in under across over or on the banks of any such river or stream nor shall the powers of this section be so exercised as to restrict or interfere with the rights or powers of any person interested in any property through or over which any such lines are laid down placed maintained or used to lay any electric lines over or under any such electric lines of the Corporation.

(2) If any such lines of the Corporation are laid down or placed upon any private property the Corporation shall pay to the owner lessee and occupier of such property such compensation in respect thereof as may be

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A.D. 1931.

agreed or failing agreement settled by arbitration under the provisions of the Lands Clauses Acts.

(3) The provisions of section ten of the Order of 1891 for the protection of the Postmaster General shall extend and apply to the laying down or construction by the Corporation of any electric lines under the provisions of this section.

(4) In this section the expression "owner" shall have the same meaning as in the Lands Clauses Acts and the expression "electric line" shall have the same meaning as in the Electric Lighting Act, 1882.

Power to lay down connecting lines in certain cases.

61.—(1) For the purpose of supplying electricity to any premises to which the Corporation are for the time being authorised to supply electricity the Corporation may lay down place maintain and use electric lines in order to connect such premises to a service line already laid by the Corporation for the purpose of affording a supply of electricity to adjoining premises and for that purpose may cut or otherwise interfere with any party wall or fence to such premises and adjoining premises.

(2) In relation to any such electric lines as aforesaid the Corporation shall have the powers and be subject to the provisions of section thirteen, fourteen, sixteen and sixty-seven of the Order of 1891 and those provisions so far as applicable shall be incorporated with this Act and the Corporation shall be deemed to be the undertakers.

(3) The provisions of section ten of the said Order for the protection of the Postmaster General shall extend and apply to the laying down or construction by the Corporation of any electric line under the provisions of this section.

(4) In this section the expression "electric line" shall have the same meaning as in the Electric Lighting Act, 1882.

Further powers as to entry upon premises.

62.—(1) The powers conferred by section twenty-four of the Electric Lighting Act, 1882, of entering premises for the purposes mentioned in that section shall extend to enable the Corporation to enter any premises to which electricity is or is proposed to be or has been supplied by them (whether for the time being occupied or not) and in or upon which they have reason to believe there is or has been any contravention of any of the Acts or

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A.D. 1931.

Orders relating to the electricity undertaking of the Corporation or of any byelaw or regulation made thereunder and to inspect such premises and any electric lines wires fuses casings switches fittings lamps lampholders or other apparatus therein and in any case in which any such contravention is found to exist or to have existed to cut off and disconnect the supply of electricity to the premises.

Provided that the Corporation shall not under the powers of this section cut off or disconnect the supply of electricity to any building or premises (not being a dwelling-house) belonging to and used by any railway company or railway committee for the purposes of their railway and forming part of their station or goods depot until after they have given to the company or committee reasonable notice of their intention so to do.

(2) Where the premises which the Corporation are entitled to enter in pursuance of the said section twenty-four as extended by this section are unoccupied the Corporation may after giving not less than forty-eight hours' notice to the owner thereof or if he is unknown to them and if he cannot be ascertained by them after diligent enquiry by affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage : Provided that the Corporation shall pay reasonable compensation for any injury caused by such entry.

(3) Any person who shall refuse or neglect to admit any officer appointed by the Corporation to any premises which he is entitled to enter in pursuance of the said section twenty-four as extended by this section or shall hinder any such officer from entering any such premises or from exercising the powers contained in either of the said sections shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Power to cut off supplies where charges &c. not wholly paid.

63. The powers of the Corporation under section twenty-one of the Electric Lighting Act, 1882, of cutting off supplies of electricity and cutting or disconnecting electric lines or works and of recovering the expenses incurred in such cutting off shall be exerciseable in any case in which any part of any charge or sum due to the Corporation for electricity supplied by them or in respect of any apparatus or fitting let on hire by the Corporation

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A.D. 1931.

or supplied by them on hire purchase terms and which the Corporation are under obligation to maintain remains unpaid after the expiration of such period from the date of demand thereof as the Corporation may from time to time determine.

Use for lighting purposes of electricity supplied for other purposes.

64.—(1) No consumer to whom electricity is supplied by the Corporation shall without the consent in writing of the Corporation use or suffer to be used (whether after transformation or conversion or not) for purposes of lighting or illuminating or for any process operation or purpose involving or requiring the use of light (all of which purposes are in this section referred to as "lighting purposes") the whole or any part of any electricity supplied to him by the Corporation for any other purpose.

(2) Any consumer who without such consent shall use or suffer to be used for lighting purposes electricity supplied to him by the Corporation through a meter fixed for the purpose of ascertaining the value of the supply to him of electricity agreed to be supplied to him for any purpose other than lighting purposes shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and shall in addition be liable to pay to the Corporation at such higher rate as they may be for the time being charging for the supply of electricity for the purpose for which the electricity is used by the consumer for all or any portion of the electricity which has been supplied to him for any other purposes within one year previous to the date when the Corporation shall sue for any penalty as aforesaid.

(3) Any court having jurisdiction to impose such penalty may and on the application of the Corporation shall decide as to the portion (if any) of such electricity in respect of which the higher charge as aforesaid shall be payable to the Corporation.

(4) The provisions of section eighteen (Power to refuse to supply electrical energy in certain cases) of the Electric Lighting Act, 1909, shall apply to any person whom the Corporation have reasonable grounds for believing to be acting contrary to the provisions of this section.

As to use of transformers.

65. Where a separate transformer is provided at the expense of the Corporation for the purpose of affording a

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A.D. 1931

supply of electricity to any consumer the Corporation may use such transformer for the purpose of affording a supply of electricity to other consumers so long as such use does not prejudice or interfere with the supply for which such transformer was originally provided.

Power to recover cost of cutting off supplies.

66. In any case in which the Corporation lawfully cut off a supply of electricity by reason of any act omission or default of a consumer or any other person they may recover from the person to whom the supply was theretofore furnished or from any other person on account of whose act omission or default such supply was cut off the reasonable expenses incurred by them in such cutting off in like manner as charges for electricity are recoverable by the Corporation.

Charges for special readings of electricity meters.

67. The Corporation may levy and recover such charges as they think fit for taking the reading of any electricity meter fixed in a house which is either in whole or in part let furnished at the request of and for the convenience of consumers at times other than those of the periodical readings: Provided that such charges shall not exceed the sum of one shilling for each reading.

Provisions as to supply of electricity by agreement.

68.—(1) If any consumer of electricity supplied by the Corporation under the terms of any agreement uses the electricity supplied to him by the Corporation in any manner contrary to the terms of such agreement—

(*a*) the Corporation may if they think fit discontinue to supply electricity to such consumer:

(*b*) the consumer shall in respect of all the electricity supplied to him by the Corporation within one year previous to the date of any demand in that behalf made upon him by the Corporation (whether they determine to discontinue the supply or not) be liable to pay to the Corporation at any higher rate which they may be for the time being charging for the supply of electricity for use in the manner or under the conditions in or under which such consumer used the electricity supplied to him; and

(*c*) the Corporation in any case in which they discontinue the supply as aforesaid shall not be required to resume the supply until—

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A.D. 1931.

(i) they are satisfied that any electricity supplied to such consumer will be consumed in accordance with the terms of such agreement; and

(ii) the consumer has paid to the Corporation the sum payable by him pursuant to the foregoing paragraph (*b*):

Provided that before discontinuing any such supply the Corporation shall give to the consumer taking the same seven days notice in writing of their intention so to do and shall in such notice specify the respect in which the electricity is used contrary to the terms of such agreement.

(2) A consumer supplied with electricity by the Corporation under the terms of any agreement shall be deemed to be a person to whom the Corporation may be and are required to supply energy within the meaning of section twenty-three (Penalty for failure to supply) of the Order of 1891 and the provisions of that section shall apply to the supply afforded by the Corporation under such agreement unless the provisions of that section are expressly excluded from application in any such agreement and if the Corporation fail to supply energy to such consumer they shall not be liable for any damages occasioned to such consumer by reason of such failure unless the same is caused by or in consequence of the wilful neglect or default of the Corporation:

Provided that the provisions of this sub-section shall not operate to deprive any consumer of electricity supplied by the Corporation under terms of any agreement existing at the passing of this Act of any right to which he would be entitled but for the said provisions.

Byelaws as to apparatus and fittings.

69.—(1) The Corporation for the purpose of preventing fire or any injury to persons in any building or premises supplied or proposed to be supplied with electricity by the Corporation may make byelaws with respect to the nature material workmanship and mode of arrangement of the wires apparatus and fittings in any such building or premises and required or used for the purpose of such supply and with respect to the charging of accumulators and such byelaws may provide that in any case in which any contravention thereof is found to exist or to have existed the Corporation may cut off and disconnect

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A D. 1931.

the supply of electricity to the building or premises in or on which such contravention takes place.

(2) The provisions of section six of the Electric Lighting Act, 1882, shall apply to any byelaws made under this section:

Provided that the Corporation shall not under the powers of this section cut off or disconnect the supply of electricity to any building or premises (not being a dwelling-house) belonging to and forming part of the railway or any station or depot adjoining the railway or railway sidings of any railway company or railway committee until after they have given to the company or committee reasonable notice of their intention so to do.

Sale and letting of electric wiring installations and fittings.

70.—(1) Subject to the provisions of this section the Corporation may sell or let for hire:—

(*a*) Electric wiring installations; and

(*b*) Electric fittings apparatus and appliances (other than electric wiring installations) for lighting heating or motive power and for all other purposes for which electricity can or may be used (in this section called "electric fittings");

and may install connect repair maintain and remove the same and with respect thereto may demand and take such remuneration or rents and charges and may make such terms and conditions as may be agreed upon.

(2) The exercise of the powers of this section shall be subject to the following restrictions:—

(*a*) The Corporation shall not manufacture electric fittings or the component parts of any electric wiring installation:

(*b*) The Corporation shall not sell electric wiring installations or electric fittings except to a consumer or to a person who intends to be a consumer of electricity supplied by them or a person becoming the owner or occupier of premises in which such installations or fittings owned by the Corporation are fixed or fastened;

(*c*) The Corporation shall not sell any electric wiring installation except under a contract providing for the payment of the price thereof by instalments;

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A.D. 1931.

(*d*) The Corporation shall not sell electric fittings except for use on an electric wiring installation the whole or portion of the price of which remains to be paid to the Corporation in accordance with the terms of any such contract as aforesaid;

(3) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or liable to be taken in execution under process of law or proceedings in bankruptcy against the person in whose possession the same may be: Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Corporation as the actual owners thereof.

(4) Provided as follows:—

(*a*) The Corporation shall so adjust the charges to be made by them for any fittings or for the fixing repairing or removal thereof as to meet the sum properly chargeable for the costs and expenses incurred by them under the powers of this section in connection therewith (including interest upon moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed);

(*b*) The sums properly chargeable and received by the Corporation in connection with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accouts of the electricity undertaking of the Corporation for that year;

(*c*) Every sum charged by the Corporation to a consumer in respect of the provision of fittings or the fixing repairing or removal thereof shall be separately stated on every demand note delivered by the Corporation to the consumer.

(5) In this section the expression "electric wiring installation" means a system of electric lines switches fuse boxes and other apparatus necessary or proper for conveying electricity from the service fuses of the Corporation to any point or points in or upon a private residence at which electricity may be used for heating lighting motive power or any other purpose and includes a portion of any such system.

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A.D. 1931.

As to street boxes.

71. Notwithstanding anything in section nine (Street Boxes) of the Order of 1891 boxes and apparatus constructed by the Corporation in any street under that section may be placed above ground in such positions as the Corporation shall think fit.

Repeal.

72. The following sections of the Act of 1918 are hereby repealed (that is to say):—

Section one hundred and twenty-four (Electrical fittings).

Section one hundred and twenty-six (Byelaws as to wires apparatus and fittings).

Section one hundred and twenty-seven (Provisions as to supply of electricity by agreement).

Section one hundred and thirty (Further powers as to entry upon premises).

Section one hundred and thirty-five (Powers to construct electrical substations under streets).

PART VII.

Streets Buildings Drains, &c.

As to pavement lights.

73.—(1) From and after the passing of this Act it shall not be lawful for the owner or occupier of any property to construct in any pavement forming part of any street in the City any work for the admission of light through such pavement to any room or premises situate under or adjoining the same (in this section referred to as "pavement lights") without the consent in writing of the Corporation.

(2) In giving their consent to the construction of any pavement lights the Corporation may attach thereto such terms and conditions as they may think fit.

(3) Any agreements entered into by the Corporation with any person prior to the passing of this Act which would have been valid under the provisions of this section if made after the passing thereof are hereby confirmed.

Direction signs.

74.—(1) The Corporation may cause to be put up or painted on a conspicuous part of any house building or place at or near to the corner of any street signs indicating the direction or the distance to towns railway stations public buildings and other places of a public character.

(2) Before putting up or painting a sign on a house building or place the Corporation shall give notice thereof

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A.D. 1931.

to the owner of such house building or place and such owner if aggrieved by such notice may appeal to a court of summary jurisdiction within one month after the service of such notice provided he give written notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

Notice of the right to appeal shall be endorsed on every notice given by the Corporation under this section.

(3) Any person who shall wilfully and without the consent of the Corporation obliterate deface obscure remove or alter any such sign shall be liable to a penalty not exceeding forty shillings and the Corporation may recover the expenses of replacement and making good from such person.

As to hoardings and similar structures.

75.—(1) (*a*) No fence hoarding or other similar structure (in this section referred to as "structure") of a greater height than six feet six inches above the level of the ground at the nearest boundary of the road or street shall be erected or brought forward on any land in any street within the City—

(i) beyond any building line prescribed by the Corporation in respect of the land under the provisions of any Act; or

(ii) if there be no such line beyond the line to which any house or building erected or brought forward on the land would have to conform under the provisions of the Public Health Acts.

(*b*) Any person who shall offend against the provisions of this sub-section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation may take down or remove any structure erected in contravention of those provisions and recover the expenses incurred by them in so doing from the offender.

(2)—(*a*) The Corporation may by notice in writing require the owner or occupier of any land upon which any structure exists at the passing of this Act which would (if erected after the passing of this Act) have contravened the provisions of sub-section (1) of this section to remove or alter such structure within such time (not being less than six days) as may be specified in the notice in such a manner as to comply with those provisions and the

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A.D. 1931.

Corporation shall on demand repay to the owner or occupier of such land the reasonable expenses incurred by him in so doing;

(*b*) Any person who shall neglect or refuse to comply with a notice from the Corporation given in pursuance of this sub-section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation may at their own expense take down or remove any structure erected or maintained in contravention of those provisions.

(3) The provisions of this section shall not be enforceable with regard to any structure existing at the passing of this Act for a period of five years from such date and shall not apply to any wooden structure fence or hoarding of a movable or temporary character erected by a builder for his use during the construction alteration or repair of any building unless the same is not taken down or removed immediately after such construction alteration or repair is complete.

As to repair of hoardings.

76. The Corporation may by notice in writing require the owner of any hoarding to maintain the same in good order and condition and if any paper or other material affixed thereto for advertising purposes becomes detached forthwith to remove and clear away such paper or other material and if any owner shall neglect or refuse to comply with any such notice the Corporation may carry out the requirements thereof and recover summarily from the owner any reasonable expense incurred by them in so doing.

Banners and signs over streets.

77.—(1) If the Corporation shall by resolution determine that any banner streamer sign or lettering suspended across or hung over any street within the City for the purposes of advertisement or announcement is a nuisance or objectionable by reason of its size construction or situation or an injury to the amenities of the street across or over which such banner streamer sign or lettering is suspended or hung they may by notice in writing require the owner of or person responsible for the suspension or hanging of such banner streamer sign or lettering to remove the same within such period not being less than seven days as may be specified in the notice.

(2) Any person neglecting or refusing to comply with the requirement of any such notice and any person

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A.D. 1931.

who shall have removed any such banner streamer sign or lettering as is referred to in any such notice (whether the removal be effected before or after the receipt of the notice) and shall after such removal suspend or hang the same or any similar banner streamer sign or lettering without the permission in writing of the Corporation or without complying with any conditions attaching to any such permission shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings.

(3) For a period of two years from the passing of this Act the foregoing provisions of this section shall not apply to any such banner streamer sign or lettering as is referred to in sub-section (1) hereof which was in use on the eighteenth day of November nineteen hundred and thirty.

(4) Any person aggrieved by any requirement of any notice of the Corporation under this section or the withholding of permission by the Corporation or the conditions attached to any such permission under the provisions of this section may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs. Notice of the right to appeal shall be endorsed on every notice of the Corporation under this section.

Byelaws as to projections.

78.—(1) The Corporation may make byelaws for the regulation of lamps signs blinds shades coverings awnings and other similar structures or projections over any street.

(2) A person shall not be liable to the penalties prescribed by section twenty-eight of the Town Police Clauses Act, 1847, for placing a blind shade covering awning or other projection over a footway at a height less than eight feet from the ground if in regard to such blind shade covering awning or other projection he has complied with any byelaws made by the Corporation under this section.

Power to make byelaws with respect to street trading.

79.—(1) The Corporation may from time to time make byelaws for all or any of the following purposes (that is to say):—

(*a*) For regulating and governing street trading within the City;

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A.D. 1931.

(*b*) For prohibiting such street trading in such street or streets or such area or areas within the City as the Corporation may from time to time determine;

(*c*) For fixing the days and hours during which such street trading may be carried on;

(*d*) For regulating and governing generally the conduct of street traders in the City.

Power to close streets to be used as playgrounds for children.

80.—(1) Subject to the provisions of this section the Corporation may by order close any street for a specified period each day or on certain days for the purpose of enabling such street to be used as a playground for children.

(2) Any order made under this section shall state the hours and days during which each of the streets to which such order relates shall be closed and shall unless previously revoked continue in force for such period as may be specified.

(3) Any order made under this section—

(i) may close a street to all traffic (including the passage of pedestrians) or to any specified class or classes of traffic; provided however that nothing in any such order contained shall prevent the passage of pedestrians bona fide going to or returning from any house in a street closed by such order;

(ii) may contain exceptions and conditions as to the occasional user of a street closed thereby;

(iii) may contain rules or regulations for the admission of children to a street closed thereby; for ensuring the safety of children using the same during the specified hours; and generally for the good and orderly conduct and management during such hours of such street as a playground;

(iv) shall not come into force or have any effect until seven days after public notice thereof has been given by the Corporation by advertisement in two newspapers published in the City and by posting a copy of the order in each street to which it relates or until such subsequent date as may be mentioned in the order or where the order is appealed against as hereinafter provided pending the determination of such appeal.

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A.D. 1931.

(4) The Corporation may at any time revoke the whole or any part of an order made under this section.

(5) If any person acts in contravention of or fails to comply with any order in force under the foregoing provisions of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(6) The Corporation may during the hours specified in any order under this section for the closing of a street place and keep in position in such street or adjacent thereto temporary barriers for the purpose of preventing vehicular traffic cattle or horses from gaining access to such street.

(7) The Corporation may employ and pay such person or persons as may be required for giving effect to the provisions of this section or any order made thereunder.

(8) Any person aggrieved by an order made under this section may within seven days after public notice thereof has been given in the manner hereinbefore provided appeal against the same to the Ministry of Home Affairs. Any such appeal shall be in writing and notice of the same specifying the grounds thereof shall be given to the Corporation within the said period of seven days.

(9) On an appeal being duly preferred under the preceding sub-section the Ministry of Home Affairs may if it thinks fit—

(i) direct an inquiry to be held in relation to such appeal;

(ii) allow or dismiss the appeal in whole or part;

(iii) otherwise alter or amend the order appealed from with the consent of the Corporation; and

(iv) order the appellant to pay the whole or part of the expenses of any inquiry directed under this section in relation to his appeal.

As to making up of private streets in certain cases.

81. Notwithstanding anything contained in section twenty-eight of the Public Health (Ireland) Act, 1878, it shall be lawful for the Corporation in cases where under the powers in that behalf contained in the Small Dwellings Acquisition Acts (Northern Ireland), 1899 to 1923, they have advanced or agreed to advance money to a resident

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A.D. 1931.

or intending resident in a house or to a person who has constructed or who intends to construct a house upon land held in fee farm or on ground lease which land fronts adjoins or abuts on a street (not being in charge of the Corporation or other public body) and which street or the carriageway footway or any other part thereof is not sewered metalled paved flagged channelled and made good or lighted to the satisfaction of the Corporation by notice addressed to the owner for the time being entitled to receive the fee farm or other rent in respect of the land or his agent to require such owner to sewer level pave metal flag channel or make good or to provide proper means for lighting the same in accordance with the provisions of the said section twenty-eight.

Alteration of width of carriageways and footways in streets.

82. For the purpose of facilitating the passage of traffic whether vehicular or otherwise in any street the Corporation may increase the width of the Carriageway of such street by reducing the width of the footway on each or either side of such street or may increase the width of the footway on each or either side of such street by reducing the width of the carriageway thereof.

Dilapidated and neglected buildings.

83.—(1) Where an unoccupied building within the City is ruinous or so far dilapidated as thereby to have become and to be unfit for use or occupation or is from neglect or otherwise in a structural condition prejudicial to the property in or the inhabitants of the neighbourhood a court of summary jurisdiction on complaint by the Corporation may order the owner at his option either to take down or to repair such building (in this section referred to as a "neglected structure") or any part thereof or otherwise to put the same or any part thereof into a state of repair and good condition to the satisfaction of the Corporation within a reasonable time to be fixed by the order and may also make an order for the costs incurred up to the time of the hearing.

(2) If the order is not obeyed the Corporation may with all convenient speed enter upon the neglected structure and execute the order.

(3) Where the order directs the taking down of a neglected structure or any part thereof the Corporation in executing the order may remove the materials to a convenient place and (unless the expenses of the Corporation under this section in relation to such structure are paid to

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A.D. 1931.

them within fourteen days after such removal) sell the same if and as they in their discretion think fit.

(4) All expenses incurred by the Corporation under this section in relation to a neglected structure may be deducted by the Corporation out of the proceeds of the sale and the surplus (if any) shall be paid by the Corporation on demand to the owner of the structure and if such neglected structure or some part thereof is not taken down and such materials are not sold by the Corporation or if the proceeds of the sale are insufficient to defray the said expenses the Corporation may recover such expenses or such insufficiency from the owner of the structure together with all costs in respect thereof but without prejudice to his right to recover the same from any lessee or other person liable to the expenses of repair.

(5) For the purposes of this section the expression "building" shall include any party or other wall and any fence within the curtilage of the building.

As to dangerous buildings

84.—(1) In the case of any building within the City which may appear to the Corporation on the report of any duly qualified officer to be dangerous to the inmates or persons working therein the Corporation may order a complete external and internal inspection and examination of any such building to be made by a competent person and for that purpose such person may on giving not less than twenty-four hours' notice to the occupier of the building and on producing written authority from the Town Clerk at any hour of the day between nine o'clock in the morning and six o'clock in the afternoon with such other persons as he may deem necessary enter upon such building and examine and inspect the same.

(2) If upon such examination and inspection it shall appear necessary that any works should be executed or alterations made for the purpose of putting such premises into a safe and proper condition for the purposes for which the same are used the Corporation in respect of such building and the works to be carried out therein shall have and may exercise all or any of the powers vested in the Corporation with respect to dangerous structures.

Means of escape from buildings in case of fire.

85.—(1) Every building erected within the City after the passing of this Act exceeding two storeys in height and in which the upper surface of the floor of any

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A.D. 1931.

upper storey is above twenty feet from the street level and which is used or intended to be used as flats or as a tavern hotel hospital boarding house common lodging house or boarding school or as a shop or restaurant in which sleeping accommodation is or is intended to be provided for the use of persons employed in or about such shop or restaurant shall be provided with such portable fire fighting and portable first aid appliances as the Corporation may require and shall also be provided on each of the storeys the upper surface of the floor whereof is above twenty feet from the street level with such means of escape in case of fire for the persons dwelling sleeping or employed in each such upper storey or resorting thereto as may be reasonably required by the Corporation under the circumstances of the case and the owner shall not permit such building to be occupied until the Corporation shall have issued a certificate that the provisions of this section have been complied with in relation thereto.

(2)—(*a*) From and after the first day of July nineteen hundred and thirty-two the Corporation in the case of every existing building exceeding two storeys in height and used or intended to be used as flats or as a tavern hotel hospital boarding house common lodging house or boarding school or as a shop or restaurant in which sleeping accommodation is or is intended to be provided for the use of persons employed in or about such shop or restaurant if in the opinion of the Corporation such building is not provided with proper and sufficient fire fighting and first aid appliances and proper and sufficient means of escape from each upper storey the upper surface of the floor whereof is above twenty feet from the street level in case of fire for the persons dwelling sleeping or employed in each such upper storey may at any time serve on the owner of such building a notice requiring him within a reasonable time to be specified in such notice to provide such portable appliances and means of escape as in the circumstances of the case can reasonably be required and the owner shall thereupon take the necessary steps to provide the means of escape so required;

(*b*) Any person aggrieved by any requirement of the Corporation under this sub-section may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he give twenty-four hours' written notice of such appeal and of the grounds thereof

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A.D. 1931.

to the Town Clerk and the court shall have power to make such order as the court may think fit and to award costs.

(*c*) Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this subsection.

(3) If the owner of the building alleges that any occupier should bear or contribute to the expenses of complying with any requirement of the Corporation under this section he may apply to the Recorder's Court of the City and thereupon the said court after giving the occupier an opportunity of being heard may make such order as appears to the court just and equitable in all the circumstances of the case.

(4) The owner of the building shall notwithstanding any agreement with the occupier have power to take such steps as are necessary for complying with any requirement of the Corporation under this section.

(5) The appliances and means of escape in case of fire provided in connection with any such building as aforesaid shall not be altered without the consent in writing of the Corporation and shall at all times be maintained and kept by the occupier of the building in good and efficient condition and (in the case of such means of escape) free from obstruction.

(6) This section shall not apply to premises to which section fourteen (Provision of means of escape in case of fire) and section fifteen (Byelaws for means of escape from fire) of the Factory and workshop Act, 1901, or any enactment amending those sections apply.

(7) Any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(8) Section one hundred and sixty-one (Means of escape from buildings in case of fire) of the Act of 1918 is hereby repealed.

As to defective drains, &c.

86.—(1) In any case where it appears to the medical officer or sanitary inspector that any drain water closet or soil pipe is stopped up or otherwise defective the medical officer or sanitary inspector shall give notice to the owner or occupier of the premises to remedy such defect and if such notice is not complied with within twenty-four hours

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A.D. 1931.

from the service thereof the Corporation may carry out the work necessary to remedy such defect and may subject as hereinafter provided recover the expenses incurred in that behalf from such owner or occupier in a summary manner as a civil debt.

(2) Upon any proceedings under this section the court may enquire whether any requirement contained in any notice given under this section or work done by the Corporation was reasonable and whether the expenses incurred by the Corporation in doing such work or any part thereof ought to be borne wholly or in part by the person to whom notice was given and the court may make such order concerning such expenses or their apportionment as appears to the court to be just and equitable in the circumstances of the case.

As to repair of drains.

87. If any drain (including any joint or combined drain) shall not be well and sufficiently maintained and kept in good repair to the satisfaction of the Corporation it shall be lawful for the Corporation if in their opinion such drain can be sufficiently repaired at a cost not exceeding twenty pounds to cause the same to be repaired and the expenses of such repairs may be recovered by them from the owner or owners of such drain in such proportions as the surveyor shall determine: Provided that where such expenses do not exceed twenty shillings the Corporation may remit the payment of the same by the owner or owners if the Corporation think fit.

Saving for railway companies.

88.—(1) The sections of this Part of this Act of which the marginal notes are respectively "Dilapidated and neglected buildings" and "As to dangerous buildings" shall not apply to any building (not being a dwellinghouse and not being a building abutting upon a public street) railway or works constructed by or belonging to or which may hereafter be constructed by or belong to any railway company or railway committee in the exercise of their statutory powers so long as any such building railway or work is used or held by the railway company or committee primarily for railway purposes.

(2) The sections of this Part of this Act of which the marginal notes are respectively "As to defective drains, &c." and "As to repair of drains" shall not apply to any building (not being a dwellinghouse) railway or work

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constructed by or belonging to or which may hereafter be constructed by or belong to any railway company or railway committee in the exercise of their statutory powers so long as any such building railway or work is used or held by the railway company or committee primarily for railway purposes except where the defect or lack of maintenance or repair of any drain watercloset or soil pipe (as the case may be) alleged by the Corporation is of such a character as to constitute or be likely to constitute a danger to public health.

PART VIII.

Infectious Disease and Sanitary Matters.

Information to be furnished in case of infectious disease.

89.—(1) The occupier of any building in the City which is used for human habitation and in which there is or has been any person suffering from an infectious disease shall on the application of the medical officer at any time during the illness of such person or within six weeks from the occurrence of such illness furnish such information within his knowledge as the medical officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease.

(2) Any occupier refusing to furnish such information or knowingly furnishing false information shall be liable to a penalty not exceeding forty shillings.

(3) For the purposes of this section the expression "occupier" shall have the same meaning as in the Infectious Disease (Notification) Act, 1889, and the expression "infectious disease" shall include pulmonary tuberculosis in addition to the diseases referred to in the definition of that expression contained in section four (Interpretation) of the Act of 1918 and applied for the purposes of this Act.

Cleansing of dwelling-houses in certain cases.

90. When the medical officer certifies in writing that any dwelling house is in an insanitary condition and that the occupier thereof is unable through infirmity or mental incapacity to remedy such condition and that his health is thereby endangered a court of summary jurisdiction may on the application of the Corporation (who shall give to the occupier seven days' notice of their intention to make such application) make an order for the removal of such occupier to an institution or other dwelling for such period as the court may by such order direct as being necessary

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A.D. 1931.

to enable the Corporation to cleanse and disinfect the dwelling house and the Corporation may carry out the removal and such cleansing and disinfection of the dwelling house as may be necessary.

Verminous articles.

91.—(1) If it appears to the Corporation on the certificate of the medical officer that any articles in any premises used for human habitation in the City are infested with vermin or by reason of their having been used by or having been in contact with any person infested with vermin are likely to be so infested the Corporation at their expense may cause such articles to be cleansed disinfected or destroyed and if necessary for that purpose to be removed from the premises.

(2) If it appears to the Corporation on the certificate of the medical officer that any secondhand article of clothing or bedding exposed or kept for sale in any shop stall booth or market place in the City is filthy or verminous the Corporation at their expense may cause the article to be cleansed disinfected or destroyed and if necessary for that purpose to be removed.

(3) Where a person sustains damage by reason of the exercise by the Corporation of their powers under this section and the condition of the article with respect to which those powers have been exercised is not attributable to his act or default the Corporation shall make reasonable compensation to that person.

(4) Every person who shall wilfully obstruct any authorised officer or servant of the Corporation in carrying out the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(5) For the purposes of this section the expression "premises" includes any tent van shed or similar structure used for human habitation and any boat used for the like purpose lying in any river dock canal or other water within the jurisdiction of the Corporation.

Disinfection of secondhand clothing &c.

92.—(1) The Corporation may make provision in the City for the disinfection or cleansing of secondhand clothing or bedding and may if they think fit make such charges therefor as shall be reasonable: Provided always that nothing in this sub-section shall authorise the Corporation to charge for the disinfection or cleansing of any

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A.D. 1931.

article which under the provisions of this or any other enactment the Corporation are bound to disinfect or cleanse at their own expense.

(2) The medical officer may issue in respect of any article or consignment of secondhand clothing or bedding which is intended to be sent from the City to some place outside Northern Ireland and which has been properly disinfected or cleansed to his satisfaction a certificate to the effect that such article or consignment has been so disinfected or cleansed and the Corporation may if they think fit make such charge for any such certificate as shall be reasonable.

(3) For the purposes of this section the expression "secondhand" as applied to any article signifies an article which has been worn or otherwise used.

Provision of cleansing stations &c.

93. The Corporation may provide such additional cleansing and disinfecting stations apparatus and attendants as may be necessary for the exercise of their powers under this Part of this Act and for that purpose may purchase or take on lease or in fee farm any lands or premises.

Definition of vermin.

94. For the purposes of sections two hundred and eleven (Cleansing of verminous persons) and two hundred and twelve (Houses infested with vermin to be cleansed) of the Act of 1918 and of the section of this Act of which the marginal note is "Verminous articles" the expression "vermin" in its application to insects and parasites includes their eggs larvæ and pupæ and the expression "verminous" shall be construed accordingly.

Regulation dustbins.

95.—(1) The Corporation may by notice in writing require the owner or occupier of any dwelling-house warehouse or shop from which the Corporation undertake or may be required to remove any house or trade refuse to provide and maintain in good order and condition dustbins for the convenient removal of such refuse and such dustbins shall be of such size and construction as may be approved by the Corporation and any owner or occupier who fails within fourteen days after service of such notice upon him to comply with the requirements of the Corporation or who fails to use a dustbin provided in accordance with such notice for the removal of such refuse shall be liable to a penalty not exceeding twenty shillings and to

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A.D. 1931.

a daily penalty not exceeding five shillings: Provided that this section shall not authorise the Corporation to require the provision of a dustbin in any case in which a dustbin in use at the passing of this Act is of suitable size and in good order and condition.

(2) Sub-section (2) of section twenty-six of the Public Health Acts Amendment Act, 1890, in its application to the City and the Corporation shall have effect as if the words " or trade " had been inserted therein after the word " house."

(3) The Corporation may sell supply and let for hire to the owners or occupiers of premises in the City but shall not manufacture dustbins for refuse and may make such charges therefor as they may think reasonable.

(4) Section two hundred and fourteen (Regulation dustbins) of the Act of 1918 is hereby repealed.

Prohibition of tents vans &c.

96.—(1) No tent van shed or similar structure used or intended to be used for human habitation shall be placed or kept on any land within the City without the previous approval of the Corporation.

(2) It shall not be lawful for any person without the previous consent of the Corporation to let or permit to be used any land for occupation by any tent van shed or similar structure used or intended to be used for human habitation unless and until such land is provided with sufficient roads and sewers and furnished with a separate supply of water to the satisfaction of the Corporation.

(3) Any person aggrieved by the withholding by the Corporation of their approval or consent under the provisions of this section may within twenty one days from the date of the decision of the Corporation appeal to a court of summary jurisdiction and such court may make such order in the premises and on such terms and conditions as to the court may seem meet. The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

(4) This section shall not apply to (*a*) a tent van shed or similar structure which is not used or intended to be used by the occupier as a sole or principal means of habitation for an unbroken period of at least three months or (*b*) any person dwelling in a tent or van or other similar structure who is a roundabout proprietor or travelling showman or a stallholder in or in connection with any

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A.D. 1931.

roundabouts or travelling show and not being a pedlar or hawker.

(5) Any person offending against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Notice to be given of this Part of Act.

97.—(1) Public notice of the effect of the foregoing provisions of this Part of this Act shall be given as soon as is reasonably practicably after the passing of this Act by advertisement in two newspapers published or circulating in the City.

(2) Copies of the newspaper containing the advertisements shall be sufficient evidence that the provisions of this section have been complied with.

PART IX.

Human Food.

As to food.

98. In this Part of this Act unless the context otherwise requires the expression "food" shall include every article used for food or drink by man other than drugs or water and any article which ordinarily enters into or is used in the composition or preparation of human food and shall also include flavouring matter and condiments.

Application of the Sale of Food and Drugs Acts to ice cream

99. In the application of the Sale of Food and Drugs Acts within the City ice cream shall be deemed to be "food" within the meaning of the said Acts and the said Acts shall be read and construed accordingly and be deemed to be incorporated with this Act.

Milk fat or preservatives in ice cream.

100. Where a sample of ice cream is taken in the City under the provisions of the Sale of Food and Drugs Acts which contains less than five per centum of milk fat or contains any fat other than milk fat or any preservative other than preservatives permitted under any regulations under the Public Health (Regulations as to Food) Act, 1907, as amended by any subsequent enactment it shall be presumed for the purposes of the said Acts until the contrary is proved that the ice cream is not of the nature substance and quality of the ice cream demanded.

Regulation of ice cream manufacturers and premises

101.—(1) (*a*) Any person being a manufacturer or vendor of or merchant or dealer in ice cream or other similar commodity within the City; and

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A.D. 1931.

(*b*) Any premises within the city used or proposed to be used for the manufacture for sale or for the sale of ice cream or any similar commodity shall be registered with the Corporation from time to time in such manner as the Ministry of Home Affairs may direct in the case of any such person by himself and in the case of any such premises by the owner or occupier thereof.

(2) No person shall within the City carry on the business of a manufacturer or vendor of or merchant or dealer in ice cream or other similar commodity unless he is so registered and no premises within the City shall be used for the purposes aforesaid unless they be so registered.

(3) Any person offending against any of the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Power to refuse registration of or remove from register ice cream manufacturers and premises.

102.—(1) The Corporation may if they are satisfied that the public health is or is likely to be endangered by any act or default of any person who is registered or who seeks to be registered as a manufacturer or vendor of or merchant or dealer in ice cream or other similar commodity in relation to the quality storage or distribution of the ice-cream or other commodity serve upon him a notice to appear before them not less than seven days after the date of the notice to show cause why the Corporation should not for reasons to be specified in the notice refuse to register him or remove him from the register as the case may be either absolutely or in respect of any specified premises and if he fails to show cause to their satisfaction accordingly they may refuse to register him or remove him from the register as the case may be.

(2) Any person aggrieved by any such decision of the Corporation as aforesaid may within twenty-one days give notice of appeal to a court of summary jurisdiction and that court may require the Corporation to register such person or not to remove him from the register.

(3) The Corporation or such person as aforesaid may appeal from the decision of the court of summary jurisdiction to the next practicable court of quarter sessions who may confirm or reverse the order of the court of summary jurisdiction.

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A.D. 1931.

(4) The decision of the Corporation to refuse registration or to remove any person from the register under this section shall not have effect until the expiration of the time for appeal to a court of summary jurisdiction nor where any such appeal is brought until the appeal is determined and where notice of appeal from a court of summary jurisdiction under this section is given within seven days from the date thereof such decision of the Corporation as aforesaid shall not take effect until the appeal to quarter sessions is finally determined.

(5) Where the appeal is from a refusal to register such person as aforesaid he may until the appeal is finally determined carry on business as a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity notwithstanding that he is not registered.

Regulation of manufacture and sale of ice cream.

103.—(1) Any person being a manufacturer or vendor of or merchant or dealer in ice cream or other similar commodity who within the City omits on the outbreak of any infectious disease amongst the persons employed in his business or residing in any premises which are used by him for the manufacture of ice cream or other similar commodity to give notice thereof forthwith to the medical officer shall be liable to a penalty not exceeding five pounds.

(2) In the event of any person so employed or resident suffering from any infectious disease the medical officer or any sanitary officer employed by the Corporation or any other officer who is duly authorised by the Corporation in that behalf may seize and destroy all ice cream or similar commodity or materials for the manufacture of the same in any of the premises and the Corporation may give compensation for the ice cream commodity or materials so destroyed ;

(3) Every vendor of or dealer in ice cream or other similar commodity vending his wares within the City from any cart barrow or other vehicle or stand or from a pail container or similar receptacle used without a cart barrow or other vehicle or stand shall have his name and address legibly painted or inscribed on such cart barrow vehicle or stand pail container or receptacle and any person who shall fail to comply with this sub-section shall be liable to a penalty not exceeding five pounds :

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A.D. 1931.

(4) In the event of any cart barrow or other vehicle or stand or pail container or receptacle within the City being in such condition as is likely to render the ice cream or similar commodity or the materials therein or thereon injurious to health or if the ice cream or similar commodity or materials are in such a condition as to be unfit for human consumption the medical officer or any sanitary officer employed by the Corporation or any other officer who is duly authorised by the Corporation in that behalf may seize and destroy such ice cream or similar commodity or materials.

(5) (*a*) The medical officer and any sanitary officer employed by the Corporation and any other officer who is duly authorised by the Corporation in that behalf or any police officer shall at all reasonable times have the same power of entry into and inspection of the premises of any manufacturer or vendor of or merchant or dealer in ice cream or other similar commodity for the purpose of inspecting such premises and the materials or commodities or articles of food therein and any cart barrow or other vehicle or stand pail container or receptacle in from or on which the same are offered for sale as an officer of the Corporation would have under section one hundred and eighteen (Power of entry of sanitary authority) of the Public Health (Ireland) Act, 1878, in the cases therein mentioned and any sanitary officer employed by the Corporation or any officer authorised as aforesaid may at any time inspect any such cart barrow vehicle or stand or pail container or receptacle in any street or public place :

(*b*) Any person refusing inspection of the materials or commoditits or articles of food in any such premises or of any such cart barrow or other vehicle or stand pail container or receptacle or of the commodities or articles of food therein or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding five pounds.

(6) Section two hundred and sixteen (For regulating manufacture and sale of ice cream, etc.), of the Act of 1918 is hereby repealed.

Medical practitioners to notify cases of food poisoning.

104.—(1) Every medical practitioner attending on a person who is or is suspected to be suffering from food poisoning shall forthwith on becoming aware that such person is or is suspected to be so suffering send to the

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medical officer a notification of the case stating the name of such person and the place at which such person is.

(2) The Corporation shall pay to every medical practitioner for each notification duly sent by him in accordance with this section a fee of two shillings and sixpence if the case occurs in his private practice and of one shilling if the case occurs in his practice of medical officer of any public body or institution.

(3) Every person required by this section to give notice who fails to give the same in accordance with this section shall be liable to a penalty not exceeding forty shillings.

Further powers in relation to unsound food.

105. Sections one hundred and thirty-two to one hundred and thirty-five of the Public Health (Ireland) Act, 1878, as amended by section twenty-eight of the Public Health Acts Amendment Act, 1890, shall extend to authorise the medical officer or sanitary inspector to inspect examine and search any cart or other vehicle or any basket sack bag or parcel whether open or closed in which he has reason to suspect that there is any animal or any of the articles referred to in the said sections intended for sale or in the course of delivery after sale for food and the provisions of such sections shall apply accordingly.

Provided that the extended powers conferred by this section on the medical officer or sanitary inspector may be exercised by any veterinary surgeon appointed by the Corporation.

Provided also that in the exercise at any railway station or upon any railway premises of a railway company or railway committee of the powers conferred upon him by this section the medical officer sanitary inspector or veterinary surgeon shall conform to such reasonable requirements of the railway company or committee owning or using such station or premises as are necessary to prevent the working of their traffic being obstructed or interfered with and with respect to any cart or other vehicle belonging to any such company or committee the powers conferred upon the medical officer sanitary inspector or veterinary surgeon by this section shall be so exercised as not unreasonably to obstruct or interfere with the collection or delivery of goods by any such company or committee.

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A.D. 1931.

Penalty on original vendor of unsound food.

106.—(1) Where it is shown that any animal or article liable to be seized under sections one hundred and thirty-two to one hundred and thirty-six of the Public Health (Ireland) Act, 1878 (as extended by section twenty-eight of the Public Health Acts Amendment Act, 1890), or under any enactment relating to the City and found in the possession of any person was sold to him by another person for food (the proof that the same was not sold for food resting with the party charged) and when so sold was in such a condition as to be liable to be so seized and to be condemned under section one hundred and thirty-three of the Public Health (Ireland) Act, 1878, the person who so sold the same shall be punishable as mentioned in the last mentioned section unless he proves that at the time he sold the animal or article he did not know and had no reason to believe that it was in such condition.

(2) Where any animal or article of food has been condemned by a justice under section one hundred and thirty-three of the Public Health (Ireland) Act, 1878, as extended by section twenty-eight of the Public Health Acts Amendment Act, 1890, the person to whom the same belongs or did belong at the time of deposit of such animal or article for the purpose of sale or of preparation for sale as well as the persons in those sections mentioned shall also be punishable as mentioned in section one hundred and thirty-three of the Public Health (Ireland) Act, 1878, unless he proves that at the time of such deposit he did not know and had no reason to believe that the said animal or article was in such a condition as to be liable to be so condemned.

(3) Before any animal or article liable to be condemned under section one hundred and thirty-three of the Public Health (Ireland) Act, 1878, as extended by section twenty-eight of the Public Health Acts Amendment Act, 1890, is dealt with by a justice the medical officer or the sanitary inspector shall inform the person in whose custody or possession the same was at the time when it was inspected by the medical officer or sanitary inspector of the intention of the medical officer or sanitary inspector to have the same dealt with by a justice and any person who may be liable in respect of such animal or article to a prosecution under the aforesaid provisions shall be entitled to attend the proceedings before

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A.D. 1931.

the justice and to be heard with his witnesses upon the application for the condemnation of any such animal or article.

Extension of powers of veterinary inspector to section one hundred and thirty-two of Public Health (Ireland) Act 1878.

107. Every veterinary inspector of the Corporation may exercise the powers of section one hundred and thirty-two (Power of medical officer of health to inspect meat &c.) of the Public Health (Ireland) Act, 1878, in the same manner as the medical officer or the sanitary inspector and the Public Health Acts shall apply within the City as if such veterinary inspector was mentioned in the said section in addition to the medical officer and the sanitary inspector.

Medical officer may certify as to purity of certain articles of food.

108. Where the medical officer is satisfied as to the purity of any article of food intended to be sent from the City to some place outside Northern Ireland for sale for human consumption he may issue a certificate of purity in respect of any such article and the Corporation may if they think fit make such charges therefor as shall be reasonable. Provided that a certificate under this section shall not be issued unless by the law of the place into which it is intended to import any such article of food such a certificate from a municipality local authority or the officer of a municipality or local authority is made a condition of import or sale.

Registration of butchers' shops.

109.—(1) Any premises within the City used or proposed to be used (*a*) as a butcher's or flesher's shop or (*b*) as a place for the storage of meat by a butcher or flesher shall be registered by the owner or occupier thereof with the Corporation from time to time in such manner as the Ministry of Home Affairs may direct and no premises shall be used for any of the purposes aforesaid unless the same are registered as aforesaid.

(2) The Corporation may from time to time make byelaws providing for the inspection of such premises and for securing the cleanliness and the proper lighting and ventilation thereof and for prescribing precautions to be taken for protecting meat therein against infection or contamination.

(3) Any person offending against any of the provisions of this section or of any byelaws made thereunder shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

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A.D. 1931.

The Court may in any case in addition to imposing a penalty by order cancel the registration of the premises in relation to which the offence was committed and as and from the date of any such order the premises therein referred to shall be deemed to be premises not registered under the provisions of this section and the Corporation may amend their register accordingly.

Notice to be given of this Part of this Act.

110.—(1) Public notice of the effect of the foregoing provisions of this Part of this Act shall be given as soon as practicable after the passing of this Act by advertisement in two newspapers published or circulating in the City.

(2) Copies of the newspapers containing the advertisement shall be sufficient evidence that the provisions of this section have been complied with.

PART X.

Rating.

Power to make provisional valuations of certain buildings and to rate the same.

111.—(1) Where any building erected within the City is not included in the tenement valuation of the City it shall be lawful for the Corporation to cause a valuation to be made of the annual value of the same and thereupon the Corporation may cause any rate or assessment to be made and levied upon the occupier or owner thereof (as the case may be) which the Corporation could have made and levied if such building had been included in the said tenement valuation and valued therein at the amount of the valuation made under the powers of this section :—

Provided that—

(i) Where any building to be valued under this section is used or partly used for industrial or freight transport purposes such building shall be distinguished accordingly and the valuation thereof where necessary apportioned in accordance with the provisions of the Rating and Valuation (Apportionment) Act (Northern Ireland), 1928, and for the purpose of any rate or assessment to be made or levied under this section in respect of such building the provisions of Part I of the Local Government (Rating and Finance) Act (Northern Ireland), 1929, shall apply as if such building had been distinguished and such apportionment (if any) had been

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A.D. 1931.

shown in the valuation lists under the provisions of sub-section (1) of section one of the Rating and Valuation (Apportionment) Act (Northern Ireland), 1928.

(ii) Nothing in this section shall authorise or enable the Corporation to make or levy in respect of any such building any rate or assessment from which by reason of its nature or user such building would by virtue of any enactment be exempt.

(iii) The valuation hereby authorised shall be used only for the making and levying of rates or assessments by the Corporation and any valuation of a building made under the provisions of this section shall cease to have effect as from the date on which the valuation of such building shall be first determined by the Commissioner of Valuation but without prejudice to the right of the Corporation to collect and recover after that date the amount of any rate or assessment made before that date under the powers of this section.

(iv) This section shall not apply to any building erected as an alteration of or addition to an existing building or to agricultural buildings as defined in sub-section (2) of section two of the Rating and Valuation (Apportionment) Act (Northern Ireland), 1928.

(2) For the purposes of this section the valuation of a building shall be deemed to be first determined by the Commissioner of Valuation on the date on which the Commissioner of Valuation shall transmit to the Town Clerk a revised valuation list which includes such building for the first time.

(3) Where the valuation as determined by the Commissioner of Valuation or on appeal to or from such Commissioner of any building of which the Corporation have made a valuation under the provisions of this section is greater or less than such last mentioned valuation and where the apportionment made by the said Commissioner or on appeal as aforesaid of the valuation of any such building used partly for industrial or freight transport purposes differs from the apportionment made by the Corporation then and in either of such cases the amount

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A.D. 1931.

of any rate or assessment made by the Corporation under the provisions of this section shall be deemed to be increased or diminished correspondingly and the difference in the amount of such rate or assessment shall be paid to or if paid shall be refunded by the Corporation accordingly.

Power to rate tenements and hereditaments ceasing to be exempt.

112. Where it is represented upon an application made to the Commissioner of Valuation by the Corporation that any tenement or hereditament in the City has by reason of a change in its nature or user ceased to be entitled to the exemption from rates provided for by section two of the Valuation (Ireland) Amendment Act, 1854, and any enactment amending the same the Commissioner of Valuation shall forthwith make a revision of the tenement or hereditament including the half rent (if any) thereof and issue to the Corporation the certificate showing the revised valuation and upon receipt of such certificate the Corporation may cause any rate or assessment to be made as though the revised valuation had formed part of the revised valuation list for the year then current and may levy upon the occupier or owner (as the case may be) of such tenement or hereditament a part of the amount of any such rate or assessment proportionate to such part of the period for which such rate or assessment shall have been made as shall be subsequent to such tenement or hereditament ceasing to be exempt as aforesaid and the Corporation shall include the valuation of the tenement or hereditament and the amount shown in the valuation lists as the half rent if any thereof in the next list of tenements requiring revision provided for by section four of the Valuation (Ireland) Amendment Act, 1854.

Making of rate or assessment and recovery thereof.

113.—(1) Any rate or assessment under this Part of this Act shall be sufficiently made by resolution of the Council and no public or other notice of the making of any such rate or assessment shall be necessary.

(2) All enactments and provisions for the time being in force relating to the levying collection and recovery of any rate or assessment by the Corporation shall subject to the provisions of this section and so far as the same may be applicable apply to the levying collection and recovery of any rate or assessment made under this Part of this Act.

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A.D. 1931.

Limitation of hours of inspection of rate books on Saturdays.

114. Anything in any enactment to the contrary notwithstanding any rate book in the custody of the Corporation or of any officer thereof shall not after the passing of this Act be open or available for inspection for any purpose on any Saturday after the hour of one o'clock in the afternoon and all notices relating to the hours of inspection of any such rate book and now required to be given or published shall be amended accordingly.

PART XI.

Finance.

Borrowing powers of Corporation under repealed enactments to continue

115. Subject to the provisions of this Act all statutory borrowing powers under any enactment repealed by this Act which are current and in force immediately before the passing of this Act shall (notwithstanding the repeal by this Act of any enactment under which the same were created) continue to be in force as fully and effectually as if this Act had not been passed but so far as the same shall be exercised by the Corporation after the passing of this Act shall have effect as if they were statutory borrowing powers granted by this Act and be exerciseable and exercised accordingly subject to the provisions of this Part of this Act.

Repayment of loans authorised by repealed enactments.

116. Any sums borrowed by the Corporation under any enactments repealed by this Act which have not yet been repaid and also sums which may hereafter be borrowed thereunder shall notwithstanding such repeal be repaid within the respective periods (if any) within which they are required to be repaid by or under those enactments.

Power to borrow.

117.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest any sum or sums of money for the purposes hereinafter mentioned not exceeding the respective amounts following (that is to say):—

(*a*) For the purchase of lands for and for the construction of the street improvements by this Act authorised the sum of five thousand four hundred and fifty pounds.

(*b*) For the purchase of lands for the purposes of providing pleasure grounds or open spaces the sum of three thousand pounds.

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A.D. 1931.

(*c*) For paying the costs charges and expenses of this Act as hereinafter provided the sum requisite for that purpose.

The Corporation may also with the consent of the Ministry of Home Affairs borrow such further money as the Corporation may require for any other of the purposes of this Act except the purposes of Part VI (Electricity).

The Corporation may also with the consent of the Ministry of Home Affairs borrow such moneys as may be requisite for the purpose of providing funds for working capital for any of their undertakings for the time being.

(2) The Corporation shall out of the improvement fund and improvement rate pay off all money borrowed by them under sub-section (1) of this section within the respective periods (each of which is in this Act referred to as "the prescribed period") following (that is to say):—

As to money borrowed for the purposes (*a*) and (*b*) mentioned in this section within sixty years from the date or dates of borrowing the same.

As to money borrowed for the purpose (*c*) mentioned in this section within five years from the passing of this Act.

As to money borrowed with the consent of the Ministry of Home Affairs within such period as may be prescribed by that Ministry.

(3) in order to secure the repayment of the money borrowed under this section and the payment of the interest thereon the Corporation may mortgage or charge the revenues of the Corporation.

The provisions of this section shall not limit the powers conferred on the Corporation by section two hundred and fifty-nine (Power to use one form of mortgage for all purposes) of the Act of 1918 as applied for the purposes of this Act.

As to improvement fund and improvement rate.

118. References in the former Acts to the borough fund or to the borough rate of the City shall be deemed to be references to the improvement fund and the improvement rate respectively.

As to interest on sinking and other funds.

119. Where sums are set apart as a sinking fund or redemption fund for the purpose of paying off moneys borrowed by the Corporation in exercise of their powers under the Public Health Acts or in exercise of any statu-

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A.D. 1931.

tory borrowing power or as a reserve fund under section one hundred and twenty-two of this Act the interest received in any year from the investment of the sums so set apart shall after the first day of April nineteen hundred and thirty-two instead of being accumulated in accordance with the provisions of sub-section (4) of section two hundred and thirty-eight of the Public Health (Ireland) Act, 1878, form part of the revenue for that year of the improvement fund and improvement rate but in the case of any such sinking fund or redemption fund as aforesaid the contribution to be made to the said fund out of such improvement fund and improvement rate shall in that year be increased by a sum equal to the interest that would have accrued to the sinking or redemption fund during that year if the interest had been accumulated therein at such rate that the accumulations would with the sums set apart be sufficient to pay off the moneys borrowed within the period sanctioned, and in the case of any such reserve fund as aforesaid the contribution to be made to the said fund out of such improvement fund and improvement rate shall in that year be such sum as would be equivalent to the interest which would have been received in that year from the investment of the sums so set apart if the said interest had been paid into the said reserve fund and not formed part of the improvement fund and improvement rate.

Application of revenue and payment of expenses of undertakings.

120.—(1) All moneys received by the Corporation (including the income arising from the investment of any reserve fund) on account of the revenue of any undertaking for the time being of the Corporation from which revenue is derived shall be carried to and shall form part of the improvement fund and rate and all payments and expenses made and incurred in respect of any such undertaking shall be paid out of that fund and rate. In the case of the bridge undertaking and the ferries undertaking the payments and expenses shall include until the same shall be redeemed the several sums of nine pounds four shillings and sevenpence being one-half of the sum of eighteen pounds nine shillings and twopence payable to the Irish Society for ever and referred to in section eighty-nine (Power to Corporation to redeem annual sums payable to Irish Society) of the Act of 1924.

(2) The Corporation may (if they think fit) apply money received by them on account of the revenue of any

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A.D. 1931.

of the undertakings referred to in sub-section (1) of this section in the construction renewal extension and improvement of the works and conveniences for the purposes of such undertakings respectively and may apply monies received by them on account of the revenue of the electricity undertaking in reduction of the capital monies borrowed for electricity purposes.

(3) The following provisions of the Act of 1848 the Order of 1891 the Act of 1918 and the Act of 1924 are hereby repealed (namely):—

THE ACT OF 1848.

Section sixty-nine (Application of improvement rate).

THE ORDER OF 1891.

Section fifty-two (Application of revenue);

THE ACT OF 1918.

Section one hundred and twenty-two (Estimate of working expenses and adjustment of fares);

Section one hundred and thirty-nine (Further power as to net revenue, &c.).

THE ACT OF 1924.

Section eighty-seven (Substituted provision for section one hundred and twenty-two (Estimate of working expenses and adjustment of fares) of the Act of 1918 in case of omnibuses); and

Section ninety-four (Revenue and deficiency account in respect of bridge undertaking);

Section ninety-five (Revenue and deficiency account in respect of ferries undertaking);

as the two last-mentioned sections are respectively applied for the purposes of the Act of 1929 by section thirty-three (Application of borrowing powers under and financial provisions of Act of 1924 to purposes of this Act) of that Act.

Accounts.

121.—(1) As from the first day of April nineteen hundred and thirty-two the Corporation shall notwithstanding the provisions of any Act or Order to the contrary keep their accounts so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division in respect of each of the undertakings of the Corporation referred to in section one hundred and twenty of this Act (each of which is in this

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A.D. 1931.

section separately referred to as "the undertaking") on the one side all receipts in respect of the undertaking and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts expended in respect of each of the following purposes (that is to say):—

(*a*) The working and establishment expenses and cost of maintenance of the undertaking;

(*b*) The interest on moneys borrowed by the Corporation for the purposes of or connected with the undertaking;

(*c*) The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking;

(*d*) All other expenses (if any) of the undertaking properly chargeable to revenue;

(*e*) The amount (if any) paid to any reserve fund which the Corporation are from time to time authorised to maintain,

and also in the case of the Bridge undertaking and the Ferries undertaking the respective sums of nine pounds four shillings and sevenpence referred to in section one hundred and twenty of this Act.

Provided that in the case of the electricity undertaking if the total receipts from revenue in respect thereof in any year shall exceed the total of the payments and expenses on account of revenue in respect thereof in that year as shown by the accounts to be kept in pursuance of this section (including any payments to a reserve fund and any payments made in pursuance of sub-section (2) of section one hundred and twenty of this Act), by an amount exceeding five pounds per centum per annum upon the aggregate capital expenditure of that undertaking the Corporation shall make such reductions or adjustments in the charge for the supply of electrical energy as in their judgment will reduce the excess of the said receipts over the said payments to an amount not exceeding the amount of the said five per centum.

(2) The Corporation shall show in their accounts relating to any undertaking or purpose all items (including receipts and payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the undertaking or purpose.

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A.D. 1931.

(3) In all cases in which the Corporation keep separate accounts for separate purposes they shall so far as reasonably practicable apportion between those accounts or carry to any of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

Reserve funds of certain undertakings.

122.—(1) The Corporation may (if they think fit) provide a reserve fund in respect of each of the undertakings referred to in section one hundred and twenty of this Act, by setting aside such an amount as they may from time to time think reasonable and investing the same (subject to the provisions of section one hundred and nineteen of this Act) in statutory securities (with power to vary and transpose such investments) until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Corporation not exceeding in the case of any one of the said undertakings a sum equal to one-tenth of the aggregate capital expended for the time being by the Corporation upon such undertaking.

(2) Any reserve fund which has been formed for the purposes of either of the said undertakings and which is in existence at the passing of this Act shall be deemed to have been formed under this section.

(3) Any reserve fund formed under this section may if the Corporation think fit be applicable to answer any deficiency at any time happening in the income of the Corporation from the undertaking in respect of which it is formed or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking or for payment of the cost of renewing improving or extending any part of the works forming part thereof or otherwise for the benefit of that undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

(4) Resort may be had to a reserve fund formed under the foregoing provisions of this section although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

(5) The income of any such reserve fund shall be treated as part of the revenue of the undertaking to which the same relates.

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A.D. 1931.

Consolidated loans fund.

123.—(1) Notwithstanding anything contained in the Public Health Acts Amendment Act, 1890, or in any other Act or Order on and after the thirty-first day of March, nineteen hundred and thirty-two the Corporation may (if they think fit) establish a fund to be called " the consolidated loans fund " to which shall be paid :—

(*a*) All moneys borrowed by the Corporation whether by issue of bonds stock or other security together with any moneys borrowed without security in connection with the exercise of any statutory borrowing power ;

(*b*) All moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise except such as are applied by the Corporation with due authority to another capital purpose ; and

(*c*) The appropriate sums provided in each year out of other funds of the Corporation to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt ;

and there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys so borrowed or received and of all sums provided by the Corporation as aforesaid before the date on which the consolidated loans fund is established.

(2) The moneys of the consolidated loans fund shall be used or applied by the Corporation—

(*a*) In the redemption of stock or any other securities issued by the Corporation the purchase of bonds or stock for extinction or the repayment of any moneys borrowed by the Corporation ; and

(*b*) In the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Corporation ;

and the moneys of the consolidated loans fund not used or applied in these ways or about to be so used or applied within a reasonable period shall be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund including the accumulations arising from the investments

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A.D. 1931.

thereof shall not except with the consent of the Ministry of Home Affairs be used or applied otherwise than as provided in this sub-section.

(3) There shall also be transferred to the consolidated loans fund such sums as are necessary to meet the interest charged and the financing and other revenue expenses connected with the management of that fund and separate account shall be kept of these sums and their application.

(4) The Corporation may pay into the consolidated loans fund any moneys forming part of any reserve renewals depreciation contingent insurance superannuation or other similar fund (hereinafter referred to as the "lending fund") and not for the time being required and such moneys shall be deemed to be moneys borrowed by the Corporation within the meaning of sub-section (1) of this section and shall be used accordingly subject to the following conditions:—

(*a*) The moneys so used shall be repaid to the lending fund as and when required for meeting the obligations for which the said fund was established; and

(*b*) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Corporation to be equal as nearly as may be to the average rate of interest payable by the Corporation on their current borrowings.

(5) Subject to any priority existing at the passing of this Act all bonds stock of and loans to the Corporation and the dividends and interest thereon shall be charged indifferently on all the revenues of the Corporation and shall rank equally one with the other without any priority whatsoever.

(6) Save as in this section expressly provided all the obligations of the Corporation to the holders of bonds stock or other securities of the Corporation shall continue in force.

(7) The powers conferred by this section shall not be put into operation by the Corporation except in accordance with a scheme to be approved by the Ministry of Home Affairs and such scheme may make provision

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A.D. 1931.

for any matters incidental to the establishment and administration of the consolidated loans fund.

Purchase of Lands Fund.

124. The Corporation may if they think fit establish a fund to be called "The Purchase of Lands Fund" which shall form part of the Improvement Fund to provide for purchasing or acquiring or taking on fee farm rent or on lease and holding any lands and buildings which in their opinion it is desirable at any time to acquire for or connected with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the city (other than purposes of any of the undertakings for the time being of the Corporation from which revenue is derived) and such fund shall be formed by annually appropriating thereto out of the improvement rate such an amount as the Corporation may from time to time determine not exceeding the amount which would be produced by a rate of twopence in the pound calculated by rules from time to time made by the Ministry of Home Affairs under the Local Government (Rating and Finance) Act (Northern Ireland), 1929: Provided that when the fund aforesaid shall amount to the sum of five thousand pounds the Corporation shall discontinue such annual payments but if the fund is at any time reduced below the sum of five thousand pounds the Corporation may recommence and continue the annual payment until the fund be restored to the sum of five thousand pounds.

Renewal and repairs fund.

125.—(1) The Corporation may if they think fit in any year apply from the improvement fund or from the proceeds of the improvement rate to a fund to be called the "Renewal and Repairs Fund" any sum not exceeding an amount equal to twelve and one-half per centum of the cost incurred by the Corporation in connection with the provision of horses carts mechanically-propelled vehicles stables depots boilers and equipment and apparatus in connection therewith as shown in the accounts at the thirty-first day of March in any such year.

(2) The maximum amount standing to the credit of the renewal and repairs fund shall not at any time exceed an amount equal to one-half part of the cost referred to in sub-section (1) of this section.

(3) The renewal and repairs fund shall be applicable only to meet expenses requisite for the maintenance and

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A.D. 1931.

renewal of the appliances works and equipment referred to in sub-section (1) of this section and the repair of carts mechanically-propelled vehicles stables depots boilers apparatus and equipment and shall be so applied from time to time for the purpose of equalising so far as may be the annual charge to revenue in respect of such expenses.

Scheme for fixing equated periods.

126.—(1) The Corporation may at any time hereafter and from time to time make a scheme for prescribing one or more uniform periods within which all or any loans contracted by them under statutory borrowing powers shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may apply to any such loans all or any of the provisions of this Act in regard to the borrowing and repayment of money with or without modification and may make provision in regard to all matters incidental to the objects aforesaid.

(2) No scheme made by the Corporation under this section shall have any force or effect until confirmed by the Ministry of Home Affairs who may by order confirm the same with or without modifications and when so confirmed the scheme shall notwithstanding any enactment order or sanction to the contrary have full force and effect and such scheme shall be deemed to be within the powers of this Act.

(3) Nothing in any scheme made under this section shall prejudice or affect the security rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any stock existing at that time except with the consent of such mortgagee or holder.

(4) The loans referred to collectively in any scheme under general headings in accordance with a classification approved by the Ministry of Home Affairs may be consolidated and dealt with in the accounts of the Corporation as if the aggregate amount of the several loans relative to each heading were one loan raised under one statutory borrowing power and if approved by the Ministry of Home Affairs separate consolidations may be made of all or any of the loans included under such general headings.

(5) The Corporation may with the sanction of the Ministry of Home Affairs and on the security of the

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A.D. 1931.

revenues of the Corporation on the security of which the moneys included in the scheme were respectively authorised to be borrowed borrow such sums as may be necessary for the purpose of giving effect to such scheme and for compensating the holders of securities of the Corporation for their consent thereto and any moneys so borrowed shall be repaid within such period as the Ministry of Home Affairs may sanction.

(6) Any scheme confirmed under this Act may be altered extended amended or annulled by any other scheme prepared and confirmed in like manner as the original scheme.

(7) Where any scheme under this section includes proposals affecting monies borrowed by the Corporation for the purposes of the Electricity Undertaking the confirmation approval or sanction as the case may be of the Ministry of Commerce shall also be required to such scheme.

Evidence of transfer or transmission of securities.

127. It shall not be obligatory on the Corporation to receive or register any transfer assignment certificate of death burial bankruptcy or marriage probate letters of administration or other document evidencing a transmission of any authorised security (except securities issued under the Local Loans Act, 1875, and except securities to which regulations made under section fifty-two (Issue of stock) of the Public Health Acts Amendment Act, 1890, apply) except upon the production to and temporary deposit with the town clerk or registrar of stock of the Corporation of the security or the certificate thereof for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new security or certificate thereof and in case of the issue of a new security or certificate for the purpose of cancellation of the security or certificate so deposited.

Amendment of Section ten of Act of 1920.

128. Section ten (Receipt in case of persons not *sui juris*) of the Act of 1920 relating to mortgages shall with the necessary modifications apply to any authorised security as if it were a mortgage.

Interest on mortgages held jointly.

129. Where more persons than one are registered as joint holders of any security of the Corporation any one of them may give an effectual receipt for any interest

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A.D. 1931.

thereon unless notice to the contrary has been given to the Corporation or the treasurer by any other of them.

Incorporation of provisions of Act of 1918.

130.—(1) The following sections of the Act of 1918 (that is to say)—

Section two hundred and fifty-one (Certain regulations of Public Health (Ireland) Act, 1878, not to apply);

Section two hundred and fifty-two (Application of moneys borrowed);

Section two hundred and fifty-three (Provisions as to mortgages);

Section two hundred and fifty-four (Protection of lender from enquiry);

Section two hundred and fifty-five (Mode of payment off of money borrowed):

Section two hundred and fifty-six (Sinking fund);

Section two hundred and fifty-eight (Power to use sinking fund instead of borrowing);

Section two hundred and fifty-nine (Power to use one form of mortgage for all purposes);

Section two hundred and sixty (Corporation not to regard trusts);

Section two hundred and sixty-one (Power to re-borrow);

Section two hundred and sixty-two (Returns to Local Government Board respecting sinking fund);

Section two hundred and sixty-three (Power to invest sinking funds in statutory securities);

shall extend and apply mutatis mutandis to and in relation to the borrowing of moneys by the Corporation on mortgage under the powers of this Act to the repayment and application of moneys so borrowed and otherwise in respect of such mortgages as if those sections had been re-enacted in this Act with reference thereto: Provided that for the purposes of such application the said section two hundred and fifty six of the Act of 1918 shall be read and have effect as if "three pounds ten shillings" were inserted in paragraph (*b*) of sub-section (1) thereof in lieu of "three pounds."

(2) For the purposes of the above-mentioned sections of the Act of 1918 as applied by this section the periods prescribed for repayment of borrowed moneys

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A.D. 1931.

by sections one hundred and sixteen and one hundred and seventeen of this Act, shall respectively be deemed to be the prescribed periods referred to in those sections or some of them.

Subscriptions to associations and other expenses.

131.—(1) The Corporation may pay out of the improvement fund or rate the reasonable expenses of the Corporation in providing public entertainments on the occasion of or otherwise in connection with public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the City.

(2) The Corporation may also subscribe to any charity philanthropic association or society or other associations institutions or societies rendering national or public service such reasonable sum or sums as they may from time to time think fit and may charge the amount of any such subscription to or apportion the same among all or any of their funds and revenues.

Discounts for prompt payments.

132.—(1) The Corporation may if they think fit by resolution direct that an allowance by way of discount not exceeding two and one half per centum shall be made on the amount due to the Corporation in respect of—

(*a*) the supply of water;

(*b*) the improvement rate:

from any person who pays the net amount due before such date as the Corporation shall prescribe:

Provided that—

(*a*) the said allowance in respect of amounts due in respect of the supply of water shall be made at the same rate to all consumers under similar conditions;

(*b*) the said allowance in respect of amounts due in respect of the improvement rate (i) shall not be made where the person paying the rate is an owner who is entitled to any allowance for which provision is made by any other Act and (ii) shall be made at the same rate to all persons entitled thereto.

(2) The Corporation may at any time revoke or vary a resolution under this section.

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A.D. 1931

(3) While any resolution under this section is in force there shall be included in every demand note in respect of amounts due for supplies of water and in every demand note on which the improvement rate is levied a statement of the effect of the resolution.

Water rents may be collected with improvement rate.

133.—(1) On and after the first day of April nineteen hundred and thirty-two any water rent rate or charge payable to the Corporation may be collected together with the improvement rate and the same books may be used for the said rent rate or charge and the improvement rate.

(2) The provisions of section nine (Recovery of improvement rate) of the Act of 1920 shall extend and apply to the collection and recovery of any such water rent rate or charge in the same manner as they apply for the purposes of the collection and recovery of the improvement rate.

PART XII.

Miscellaneous.

Gifts and bequests.

134.—(1) Subject to the provisions of this section the Corporation may accept hold and administer any gift of property whether real or personal for any public purpose connected with the City and may execute any works (including works of maintenance or improvement) incidental to or consequential on the exercise of the powers conferred by this section and where the purposes of the gift are purposes for which the Corporation are empowered to expend money raised from the improvement rate they may subject to any condition or restriction attaching to such power expend money so raised in the execution of such works in relation to the subject matter of the gift.

(2) Accounts of the income and expenditure of the Corporation under this section shall be kept by the Accountant and shall be made up and audited as part of the general accounts of the Corporation.

Amendment of section one hundred and eighteen. of Act of 1918.

135. Section one hundred and eighteen (Lost property) of the Act of 1918 shall be read and have effect as if there were inserted at the end thereof the following proviso (namely):—

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Provided that the Corporation may—

(*a*) if such property be claimed by and restored to the owner thereof make and recover from such owner such reasonable charge in respect thereof as the Corporation shall think fit;

(*b*) if such property appears to the Corporation to be of a perishable nature forthwith sell the same and if the property be claimed by the owner thereof within six months shall pay to such owner the money received on such sale less such reasonable sum for expenses as the Corporation shall think fit.

As to parks &c. outside City.

136. Any park recreation ground or pleasure ground which has been or shall be provided or controlled by the Corporation outside the City shall be deemed to be within the City for the purposes of any statutory provisions as to parks recreation grounds or pleasure grounds which would have applied or been applicable thereto if the same had been situate within the City: Provided that nothing in this section shall extend affect or interfere with the area of jurisdiction of any justices or any court of competent jurisdiction.

Power to set apart part of recreation grounds and market lands as parking places for vehicles.

137. The Corporation may appropriate and set apart such part or parts of their recreation grounds not exceeding in the case of any recreation ground one acre and such part of any land used for the purpose of any market or fair as the Ministry of Home Affairs may in each case sanction as a parking place or as parking places for vehicles and the part or parts of the said recreation ground or other land so appropriated and set apart shall be held and used as a parking place or parking places under and subject to the provisions of sub-sections (4) (5) (6) and (8) of section six of the Roads Improvement Act (Northern Ireland), 1928.

Power to provide buildings for accommodation of waiting vehicles.

138.—(1) For the purpose of relieving or preventing congestion of traffic in the City the Corporation may erect and equip with all necessary appliances and apparatus buildings for the accommodation of waiting vehicles of any particular class or description and for that purpose may acquire land or utilise any land (not being part of a street) acquired or utilised by the Corporation as a parking place under the provisions of section six of the Roads

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A.D. 1931.

Improvement Act (Northern Ireland), 1928, or which may lawfully be appropriated for the purpose.

(2) Where the Corporation propose to acquire or utilise land for the purposes of this section such proposal shall be deemed a proposal to acquire or utilise land within the meaning of sub-sections (2) and (3) of section six of the Roads Improvement Act (Northern Ireland), 1928, and the said sub-sections shall apply to any such proposal accordingly.

(3) The expression " parking place " as it occurs in sub-sections (4) and (6) of section six of the Roads Improvement Act (Northern Ireland), 1928, shall include any lands acquired or utilised by the Corporation for the purposes of this section together with any building erected thereon as by this section authorised.

(4) Section fourteen of the Roads Improvement Act (Northern Ireland), 1928, shall apply to the expenses incurred by the Corporation under this section as though such expenses had been incurred by the Corporation under the said Act.

(5) Nothing in this section shall authorise the Corporation to repair vehicles or to sell or trade in motor spirit or oil or in spare parts tyres or other accessories for vehicles.

Signs in connection with parking places.

139.—(1) The powers of the Corporation under sub-section (4) of section six of the Roads Improvement Act (Northern Ireland), 1928, to take all such steps as may be necessary to adapt for use as a parking place any land not being part of a street which they may acquire or utilise under the said section are hereby extended so as to empower the Corporation to provide erect and maintain on such land or in any street or on land of the Corporation in the City signs indicating the situation of parking places provided by the Corporation under the said section or under section one hundred and thirty-seven of this Act.

(2) Any person who shall wilfully and without the consent of the Corporation obliterate deface obscure remove or alter any such sign shall be liable to a penalty not exceeding forty shillings and the Corporation may recover from such person the expenses of replacing and making good such sign.

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A.D. 1931.

Taking down and removal of dangerous trees; &c.

140.—(1) If it shall appear to the surveyor that any tree or branch of a tree on lands abutting upon any street in the City is likely to fall on or over such street or is for any other reason a danger to persons using such street he may give notice in writing to the owner or occupier of such lands requiring him within seven days (or such longer period as the Surveyor shall specify) after the service of such notice upon him to take down such tree or branch of a tree and if the person served with such notice fails to comply with the requirements thereof he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings and the Corporation may whether or not proceedings for the recovery of any such penalties have been instituted cause such tree or branch of a tree to be taken down and all expenses incurred by the Corporation in so doing shall be paid by the person served with such notice as aforesaid but without prejudice to any right he may have to recover the same from any third party.

(2) Any person aggrieved by a notice given to him by the surveyor under sub-section (1) of this section may appeal to a court of summary jurisdiction within four days after the service of notice as aforesaid and the following provisions shall have effect with respect to any such appeal:—

(*a*) Notice in writing of the appeal and of the grounds thereof shall be given by the appellant to the town clerk;

(*b*) The court may make such order in the matter as they may consider reasonable and may award costs to be recoverable as costs in cases of a civil nature are recoverable under section twenty-two of the Petty Sessions (Ireland) Act, 1851;

(*c*) No proceeding shall be taken by the Corporation or work executed until after the determination or abandonment of the appeal;

(*d*) Notice of the right to appeal shall be endorsed on any notice given by the surveyor under the provisions of sub-section (1) of this section.

(3) Where a tree branch of a tree fence wall hoarding or other structure growing or situate on lands adjoining a street in the City is blown down or falls from any cause upon or over such street so as to be a danger or obstruction

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A.D. 1931.

to vehicular or pedestrian traffic the Corporation may without giving notice to the owner or occupier of such lands or any other person remove such tree branch fence wall hoarding or other structure and recover the cost of so doing from the owner or occupier of such lands.

(4) Any materials removed by the Corporation under the powers conferred by this section may be placed upon the lands from which they were blown down or fell.

Noise nuisance.

141.—(1) A noise nuisance shall be liable to be dealt with in accordance with the provisions relating to nuisances of the Public Health (Ireland) Act, 1878: Provided that no complaint shall be made to a justice under section one hundred and twenty-one of the said Act unless it is signed by not less than three householders or occupiers of premises within hearing of the noise nuisance complained of.

(2) For the purpose of this section a noise nuisance shall be deemed to exist where any person makes or continues or causes to be made or continued any excessive or unreasonable or unnecessary noise and where such noise (*a*) is injurious or dangerous to health and (*b*) is capable of being prevented or mitigated having due regard to all the circumstances of the case:

Provided that if the noise is occasioned in the course of any trade business or occupation it shall be a good defence that the best practicable means of preventing or mitigating it having regard to the cost have been adopted.

(3) Nothing contained in this section shall apply to a railway company or their servants exercising statutory powers.

Silencers for internal combustion engines.

142.—(1) Every person who uses a stationery internal combustion engine shall provide and use an effective silencer on the exhaust of such engine and shall at all times at his own expense keep such silencer in proper repair.

(2) The Corporation shall have access to and be at liberty to take off remove test inspect and replace any such silencer at all reasonable times such taking off removing testing inspecting and replacing to be done at the expense of the Corporation if the silencer be found

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A.D. 1931.

in proper order but otherwise at the expense of the person aforesaid:

Provided that nothing contained in this sub-section shall apply to any stationary internal combustion engine belonging to any railway company or the Londonderry Gaslight Company and used by them for the purposes of their railway and gas undertakings respectively.

(3) Any person who shall use a stationary engine or permit the same to be used contrary to the provisions of this section after having received reasonable notice in writing from the Corporation to the effect that he is or has been so using such engine or permitting the same to be so used shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

Regulation of petroleum filling stations.

143. Section eleven (Byelaws as to petroleum filling stations) of the Petroleum (Consolidation) Act (Northern Ireland), 1929, in its application to the City shall be extended so as to empower the Corporation to make byelaws in accordance therewith for the purpose of preserving for the enjoyment of the public or residents the amenities of any street or of avoiding obstruction or danger having regard to the traffic therein.

Notices lectures &c. on questions as to health or disease.

144.—(1) The Corporation may arrange for the publication within the City of information on questions relating to health or disease and for the delivery of lectures and the display of pictures in which such questions are dealt with and may defray the whole or a portion of expenses incurred for any of the purposes of this section.

(2) The Ministry of Home Affairs may for the purposes of this section make rules prescribing restrictions or conditions subject to which the powers conferred by this section may be exercised.

Attachment of brackets to buildings.

145.—(1) The Corporation may attach to any building such brackets wires and apparatus as may be required for the purposes of the electricity undertaking or for the provision of fire alarms: Provided that the owner of any building to which any such brackets wires and apparatus are attached may require the Corporation temporarily to remove the attachments when necessary during any reconstruction or repair of the building.

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A.D. 1931.

(2) The Corporation shall not attach brackets wires or apparatus to any structure belonging to any railway company or railway committee without the previous consent in writing of such company or committee or if such consent be unreasonably withheld the consent of an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers of Ireland.

(3) For the purpose of this section any occupier of a building whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rack rent shall be deemed to be the owner.

(4) So much of section eighty-one (Attachment of brackets to buildings for trolley vehicles and lighting) of the Act of 1918 as relates to the lighting of any street is hereby repealed.

Service of summons on members of Council.

146. Notwithstanding anything contained in section ninety-two of the Municipal Corporations (Ireland) Act, 1840, the summons to members of the Council may be delivered at the usual place of abode of every member of the Council by post by prepaid letter at the ordinary rate of postage and shall be deemed to be duly sent transmitted or served if sent by post as aforesaid addressed to such member at his last or usual place of abode.

Several sums in one summons.

147. Where the payment of more than one sum by any person is due under any Act or Order from time to time in force within the City any summons or warrant issued for the purposes of such Act or Order in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Confirmation of byelaws.

148. The provisions of the following sections of the Public Health (Ireland) Act, 1878 (namely):—

Section two hundred and nineteen (Authentication and alteration of byelaws);

Section two hundred and twenty (Power to impose penalties on breach of byelaws);

Section two hundred and twenty-one (Confirmation of byelaws);

Section two hundred and twenty-two (Byelaws to be printed, etc.); and

Section two hundred and twenty-three (Evidence of byelaws);

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A.D. 1931.

so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Corporation under the powers of this Act except the byelaws made under section sixty-nine of this Act.

Provided that notwithstanding anything in section two hundred and fifty-one of the Public Health (Ireland) Act, 1878, proceedings for the recovery of any penalty imposed by any such byelaw may be taken by the Corporation without the consent in writing of any Law Officer of the Government of Northern Ireland.

Repeal of a provision in Act of 1848 as to approval of certain byelaws.

149. The words "Provided further that no such bye-law shall be sent to the Lord Lieutenant until the same shall have been approved of by the Honourable Society of the Governor and Assistants (London) of the New Plantation in Ulster within the Realm of Ireland" in section XIV (Council to have power to make byelaws) of the Act 11 and 12 Victoria Chapter CXLI intituled "An Act for the improvement of the Borough of Londonderry" are hereby repealed.

Power to enter premises.

150. The provisions of section one hundred and eighteen (Power of entry of sanitary authority) and section one hundred and nineteen (Penalty for disobedience of order) of the Public Health (Ireland) Act, 1878, shall extend and apply to the purposes of Part VII (Streets Buildings Drains, etc.) and Part VIII (Infectious Disease and Sanitary Matters) of this Act as if those purposes had been mentioned in the said Section one hundred and eighteen.

Works below high-water mark not to be constructed without consent of Ministry of Commerce and Board of Trade.

151. The Corporation shall not under the powers of this Act construct on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high water mark of ordinary spring tides any work without the previous consent of the Ministry of Commerce and the Board of Trade to be signified in writing under the hand of the Secretary or Assistant Secretary of the Ministry of Commerce and the hand of one of the Secretaries or Assistant Secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the said Ministry and the said Board may approve of in writing under hand as last aforesaid and where any such work may have been constructed the

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A.D. 1931.

Corporation shall not at any time alter or extend the same without obtaining previously to making any alteration or extension the like consent or approval. If any work be commenced altered extended or completed contrary to the provisions of this section the Ministry of Commerce or the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Corporation and the amount of such costs and charges shall be a debt due from the Corporation to the Ministry of Commerce or to the Crown as the case may be and shall be recoverable either as a debt due to the Crown or by the Ministry of Commerce or the Board of Trade as a Civil debt.

Application of further provisions of Act of 1918.

152. The following sections of the Act of 1918 shall so far as they are applicable extend and apply with the necessary modifications to and in relation to this Act and be incorporated with and form part of this Act (that is to say):—

Section two hundred and sixty-seven (Expenses of executing Act);

Section two hundred and seventy-eight (Consent of Corporation to be in writing);

Section two hundred and seventy-nine (As to breach of conditions of consent of Corporation);

Section two hundred and eighty (Evidence of appointments authority &c.);

Section two hundred and eighty-one (Authentication and service of notices);

Section two hundred and eighty-two (Penalty on occupiers refusing execution of Act);

Section two hundred and eighty-three (Persons acting in execution of Act not to be personally liable);

Section two hundred and eighty-seven (Compensation how to be determined);

Section two hundred and eighty-nine (Informations by whom to be laid);

Section two hundred and ninety (Judges not disqualified);

Section two hundred and ninety-one (Recovery of penalties);

Section two hundred and ninety-two (Penalties to be paid over to treasurer);

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A.D. 1931.

Section two hundred and ninety-three (As to appeal);
Section two hundred and ninety-four (Saving for indictments &c.);
Section two hundred and ninety-six (Inquiries by Local Government Board):

(Provided that the said section shall be read and have effect as if the words "or approvals" were inserted after the words "consents" in sub-section (1) of that section and as if the word "five" were substituted for the word "three" in sub-section (2) of that section.)

Section two hundred and ninety-seven (As to arbitrations);
Section two hundred and ninety-eight (Power of Act cumulative).
Section two hundred and ninety-nine (Crown Rights).
Section three hundred (Saving Rights of the Honourable the Irish Society).

Costs of Act.

153. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall be paid by the Corporation in the first instance out of the improvement fund and improvement rate but ultimately out of moneys to be borrowed under the authority of this Act for that purpose.

THE SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

ACTS.

The Act 11 and 12 Victoria Chapter CXLI intituled "An Act for the improvement of the Borough of Londonderry."

The Londonderry Improvement Act, 1852.
The Londonderry Improvement Act, 1855.
The Londonderry Improvement Act, 1864.
The Londonderry Improvement Act, 1896.
The Londonderry Corporation Act, 1918.
The Londonderry Corporation Act, 1920.

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A.D. 1931.

The Londonderry Corporation Act (Northern Ireland), 1924.

The Londonderry Corporation (New Bridge) Act (Northern Ireland), 1929.

ORDERS.

The Londonderry Provisional Order, 1876, confirmed by Local Government Board (Ireland) Provisional Orders (Dalkey &c.) Confirmation Act, 1876.

The Londonderry Waterworks Provisional Order, 1882, confirmed by the Local Government Board (Ireland) Provisional Orders Confirmation (Banbridge &c.) Act, 1882.

The Londonderry Waterworks (Waterside District) Provisional Order, 1886, confirmed by the Local Government Board (Ireland) Provisional Orders Confirmation (Galway and Londonderry) Act, 1886.

The Londonderry (New Streets) Provisional Order, 1891, confirmed by the Local Government Board (Ireland) Provisional Orders Confirmation (No. 3) Act, 1891.

The Londonderry Electric Lighting Order, 1891, confirmed by the Electric Lighting Orders Confirmation (No. 3) Act, 1891.

The Londonderry Provisional Order, 1895, confirmed by the Local Government Board (Ireland) Provisional Orders Confirmation (No. 9) Act, 1895.

The Londonderry Waterworks Provisional Order, 1896, confirmed by the Local Government Board (Ireland) Provisional Orders Confirmation (No. 3) Act, 1896.

The Londonderry Provisional Order 1900, confirmed by the Local Government Board (Ireland) Provisional Orders Confirmation (No. 3) Act, 1900.

The Londonderry Order, 1901, confirmed by the Local Government Board (Ireland) Provisional Orders Confirmation (No. 2) Act, 1901.

The Londonderry Order, 1903, confirmed by the Local Government Board (Ireland) Provisional Orders Confirmation (No. 4) Act, 1903.

The Londonderry (County and County Borough) Adjustment Order, 1903.

The Londonderry Order, 1905, confirmed by the Local Government Board (Ireland) Provisional Orders Confirmation (No. 4) Act, 1905.

The Londonderry Order, 1906, confirmed by the Local Government Board (Ireland) Provisional Orders Confirmation (No. 2) Act, 1906.

The Londonderry Order, 1914, confirmed by the Local Government Board (Ireland) Provisional Orders Confirmation (No. 4) Act, 1914.

The Londonderry County Borough Order, 1925, confirmed by the Ministry of Home Affairs Provisional Order Confirmation (Londonderry County Borough) Act (Northern Ireland), 1925.

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THE SECOND SCHEDULE.

ENACTMENTS RELATING TO THE EXISTING MARKETS UNDERTAKING OF THE CORPORATION.

Session and Chapter	Title or short title.	Enactments.
11 & 12 Vict. ch. CXLI	An Act for the Improvement of the Borough of Londonderry.	So much of Section ten (Limits of Act) as relates to the Market limits of the Corporation (as extended by sections seven and eleven of the Londonderry Improvement Act, 1864). Section thirty-four (10 & 11 Vict. c. XIV incorporated with this Act). Section thirty-five (Power to Council to construct and enlarge market places and take lands for the purpose). Section thirty-six (Power to take other lands for markets by agreement). Section thirty-seven (Power to provide slaughterhouses). Section thirty-eight (Power to Council to take tolls for the markets). Section thirty-nine (For the cattle market). Section forty (For slaughterhouses). Section forty-one (For weighing and measuring). Section forty-two (For weighing carts). Section forty-three (Power to Council to let the markets). Section forty-four (Power to let stalls, etc.). Section forty-five (When cattle market open cattle not to be sold in the streets). Schedule D.
27 & 28 Vict. ch. CXCI	The Londonderry Improvement Act, 1864	So much of Section thirty-five (Power to take specified lands) Section thirty-six (Corporation to provide new Market Places and Market houses) and of Section forty (Works authorised by Act) as relates to the Markets undertaking.

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A.D. 1931.

Session and Chapter.	Title or short title.	Enactments.
59 & 60 Vict. ch. CCXLIX	The Londonderry Improvement Act, 1896	Section twenty-six (Market Tolls) and Schedule B. to that Act.
8 & 9 Geo. V. ch. XXI	The Londonderry Corporation Act, 1918	Section two hundred and thirty-four (Removal and exclusion from City of animals diseased or unfit for food). Section two hundred and thirty-five (Power to provide appurtenances for markets fairs, etc.). Section two hundred and thirty-six (Power to provide cold storage). Section two hundred and thirty-seven (Penalty for attempt to evade payment of tolls, etc.). Section two hundred and thirty-eight (Prohibition of slaughtering elsewhere than in public slaughterhouses). Section two hundred and thirty-nine (Power to levy market etc. tolls prescribed by Local Government Board).
14 & 15 Geo. V, ch. V.	The Londonderry Corporation Act (Northern Ireland), 1924	Section eighty-eight (Power to utilise Corporation markets for other than market purposes).

THE THIRD SCHEDULE.

TOLLS.

THE FIRST PART.

(*a*)

(i) *Market Stands other than Cattle Pens.*

For every market stand per day :—	uncovered s. d.	covered s. d.
Not exceeding 6 ft. by 5 ft.	1 0	1 6
Exceeding 6 ft by 5ft., but not exceeding 9 ft. by 5 ft.	1 6	2 3
Exceeding 9ft. by 5ft., but not exceeding 12 ft. by 5 ft...	2 0	3 0

And in the same proportion for any larger space.

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A.D. 1931.

(ii) *Cattle Pens.*

One pen (uncovered) and at the passing of this Act let at 1*s.* 8*d.* each per day.	1*s.* 8*d.* per day or part of a day.
Two pens (uncovered) and at the passing of this Act let at 2*s.* 2*d.* each per day	2*s.* 2*d.* do. do.
Four pens (uncovered) and at the passing of this Act let at 2*s.* 6*d.* each per day	2*s.* 6*d.* do. do.
Seven pens (uncovered) and at the passing of this Act let at 3*s.* 8*d.* each per day	3*s.* 8*d.* do. do.
Four pens (covered) and at the passing of this Act let at 3*s.* 6*d.* each per day	3*s.* 6*d.* do. do.

For new pens provided after the passing of this Act not exceeding Ten shillings per day or part of a day.

Pen tickets each swine ..	1*d.*	to be required in the case of all animals penned otherwise than in pens let.
do. all other animals each	2*d.*	

(*b*)

(i) *Marketable Commodities.*

	s.	*d.*
Barley, rye, oats, beans, peas, vetches or flaxseed, each bag not exceeding 2 cwt.	0	1½
Barley, rye, oats, beans, peas, vetches or flaxseed, each bag exceeding 2 cwt.	0	2
Grass seed each bag	0	1
Chaff each bag	0	1
Chaff, each load, 12 bags and upwards	0	6
Potatoes, each bag, basket or hamper, not exceeding 1½ cwt.	0	1
Potatoes, per load	0	9
Turnips or mangolds, each load	0	4
Turnips, carrots, parsnips, cabbage, leeks, rhubarb, or other vegetables, in bundles or mixed, per load	0	9
Do. do. in bags or loose, each cwt.	0	1
Rhubarb or cabbage, each load	1	0
Leeks, scallions, parsley, celery or rhubarb, in bundles, each 12 bundles or portion thereof	0	3
Cauliflowers, broccoli, beet root, lettuces, seakale, spinach or other vegetables, each score or portion thereof ..	0	3
Peas or beans in pods, each bushel or portion thereof ..	0	1
Peas or beans, each dozen quarts (shelled)	0	1
Beans, each load	0	9
Pork, each carcase	0	4
Fish, each box, basket or creel	0	3
Fish, each barrel	0	6
Fish, each load	1	6
Fish, each kit of haddock	0	1
Fish, bloaters, kippers or red herrings, in small boxes, not exceeding 6 boxes	0	2
Fish, salmon, trout, turbot, mackerel and soles, per stone ..	0	2

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	s.	d.
All other kinds of fish per stone	0	1
Small fruit, each 1-lb. basket or box	0	0½
Small fruit, each hamper, not exceeding 14 lbs. 3*d.*, each additional 14 lbs. or part thereof	0	3
Fruit, each creel or barrel	0	6
Fruit, per stone	0	1
Fruit, for every quantity exceeding one half bushel, and not exceeding one bushel	0	4
Fruit, for every additional half bushel	0	2
Flax or tow, in parcels, per cwt.	0	2
Flowers, and cut branches each load	1	0
Flowers and cut branches, each basket	0	1
Plants or other nursery produce, each load	1	0
Buttermilk, each churn	0	3
Sweetmilk, for each quantity of 25 gallons or part thereof ..	0	3
Butter (print, lump or butt), for each quantity of 4 lbs. or portion thereof	0	1
Eggs, each basket or package not exceeding 6 doz. ..	0	4
Eggs, each additional 6 doz. or portion thereof	0	2
Fowl, chickens or ducks, per doz.	0	3
Fowl, each turkey or goose	0	1
Fowl, each head of game	0	1
Fowl, birds each dozen of all other descriptions	0	2
Beef, each carcase or part thereof	0	6
Calf, sheep, lamb or goat, each carcase or part thereof ..	0	4
Coarse meat, each stand	0	4
Hay or straw, each load	0	4
Grass, clover or other green feeding for live stock, each load	0	4
Bogwood, firewood or wood blocks, each load	0	4
Turf, per load	0	2

(ii) *Marketable Animals.*

Bulls, cows, oxen, heifers, yearlings and fed-veal calves, each	0	4
Young calves, sheep, swine and goats, each	0	2
Young pigs, each	0	1
Horses, mares, geldings and mules, each	0	6
Stallions, exposed or shown	2	0
Asses and foals, each	0	3
Bull, ox, cow, steer, heifer or horse hides, each	0	1
Fed-veal skin, each	0	1
Calf, sheep or goat skin, each	0	0½

(*c*)

Carts.

For every cart used by any person for exposing, or in which shall be exposed for sale any marketable commodity or marketable animal		
If four-wheeled, per day or part of a day ..	1	0
If two-wheeled, per day or part of a day ..	0	6

THE SECOND PART.

Weighing or Measuring of Articles.

Barley, rye, oats, beans, peas, vetches or flaxseed, each bag not exceeding 2 cwt.	0	0½

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	s.	d.
Barley, rye, oats, beans, peas, vetches or flaxseed, each bag exceeding 2 cwt.	0	0½
Grass seed, each bag	0	1
Potatoes, each bag, basket or hamper, not exceeding 1½ cwt.	0	0½
Turnips or mangolds, each load	0	2
Turnips, carrots, parsnips, cabbage, leeks, rhubarb, or other vegetables, in bags or loose, each cwt.	0	1
Beans, each load	0	3
Pork, each carcase	0	2
Flax or tow, in parcels, per cwt.	0	4
Fowl, each turkey or goose	0	1
Fowl, each head of game	0	0½
Bulls, cows, oxen, heifers, yearlings and fed-veal calves, each	0	4
Young calves, sheep, swine and goats, each	0	1
Bull, ox, cow, steer, heifer or horse hides, each	0	2
Hay or straw, each load	0	4
Meat each cwt, or part thereof	0	2
Small fruit, each cwt., or part thereof	0	1

THE THIRD PART.

Weighing of Carts.

(*a*) For weighing empty motors, lorries or carriages	0	3
(*b*) For weighing empty carts other than the above	0	2
All other weighing where no toll is charged paid or collected, per ton or part thereof	0	2

THE FOURTH PART.

Slaughter-houses.

For each and every bull, ox, cow, bullock, steer or heifer slaughtered	1	6
For each and every calf slaughtered	0	6
For each and every sheep, lamb or goat slaughtered	0	6
For each and every hog or pig, up to 10 in number, slaughtered	1	0
For each and every hog or pig in excess of ten, slaughtered	0	9
For each and any other beast slaughtered	1	6

THE FOURTH SCHEDULE.

(*a*) All that area of land containing 1 acre 4240 square yards or thereabouts situate to the south of the junction of Abercorn Road with Lower Bennett Street in the Parish of Templemore and belonging or reputed to belong to the Irish Society and to Catherine A. S. Macmanaway, Solomon N. Darcus and Sarah Thompson bounded on the north west side partly by Abercorn Road and partly by houses fronting on to that road and by the property known as the Southern Factory, on the north east side by premises fronting on Lower Bennett Street, on the south west side by premises belonging or reputed to belong to Sir Basil McFarland Bart. and the Representatives of Sir William Miller and on the south east side by premises fronting on to Alma Place and Alexandra Place.

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(*b*) All that area of land containing eleven acres three and one half roods or thereabouts situate on the east side of Elmwood Road in the Parish of Templemore and belonging or reputed to belong to the Trustees of Margaret Watt bounded on the east and south east sides by premises fronting Lecky Road with frontages on the Lecky Road of 55 feet or thereabouts where there is a passage and where a dwelling house known as 46 Lecky Road (now derelict) formerly stood and of 29 feet or thereabouts between the dwelling houses known as 116 and 118 Lecky Road, on the west and south west by premises fronting partly on Stanley's Walk and partly on Cable Street and on the north and north east by a rope-walk belonging or reputed to belong to the Trustees of Margaret Watt.

CHAPTER v.

An Act to confirm a Provisional Order of the Ministry of Home Affairs relating to the Banbridge Union. [13th October, 1931.]

WHEREAS the Ministry of Home Affairs has made the Provisional Order set out in the schedule hereto under the provisions of section sixty-one of the Local Government (Ireland) Act, 1898:

61 & 62 Vict., c. 37.

And whereas it is requisite that the said Order should be confirmed by Parliament:

Be it therefore enacted by the King's Most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Order in schedule confirmed

1. The Order set out in the schedule hereto shall be and the same is hereby confirmed and all the provisions thereof shall have full validity and force.

Short title

2. This Act may be cited as the Ministry of Home Affairs Provisional Order Confirmation (Banbridge Union Borrowing) Act (Northern Ireland), 1931.

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SCHEDULE. A.D. 1931.

BANBRIDGE UNION.

Provisional Order authorising the Guardians of the Banbridge Union to extend their borrowing powers under section 61 (6) *of the Local Government (Ireland) Act,* 1898. Banbridge Union Order.

WHEREAS under section thirty-five of the Poor Relief (Ireland) Act, 1838, the Guardians of every union may borrow money for certain purposes specified in the said section and in the Acts amending the said Act: 1 & 2 Vict., c. 56.

And whereas by sub-section (6) of section sixty-one of the Local Government (Ireland) Act, 1898 (as that Act applies in Northern Ireland), it is enacted that a loan raised by Guardians shall not be of such amount as exceeds, or will make the total debt of the Guardians under the Acts mentioned in the said section exceed, one-fourth of the total annual rateable value of the Union: Provided that the Ministry of Home Affairs for Northern Ireland by Provisional Order may extend the said maximum to double the amount authorised: 61 & 62 Vict., c. 37.

And whereas the Board of Guardians of the Banbridge Union have made application to the said Ministry for a Provisional Order extending the maximum amount which the said Guardians may borrow to double the amount authorised by sub-section (6) of section sixty-one of the Local Government (Ireland) Act, 1898:

And whereas the said Ministry directed an Inquiry to be held by one of the Ministry's Inspectors into the matter of the said application and is satisfied that the said application shall be granted:

Now, therefore, the Ministry of Home Affairs for Northern Ireland, in pursuance of the powers vested in it by sub-section (6) of section sixty-one of the Local Government (Ireland) Act, 1898, and of all other powers enabling the said Ministry in that behalf, hereby orders that from and after the date of the Act of Parliament confirming this Order the following provisions shall have effect, that is to say:—

1. The Board of Guardians of the Banbridge Union may borrow such amount as will not exceed or will make the total debt of the Guardians under the said Poor Relief (Ireland) Act, 1838, and any Acts amending the same, exceed one-half of the total annual rateable value of the Banbridge Union;

2. This Order may be cited as the Banbridge Union Order, 1931.

Given under the Seal of the Ministry of Home Affairs for Northern Ireland this twenty-ninth day of January, 1931.

(L.S.) D. L. CLARKE,
Assistant Secretary.

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CHAPTER vi.

An Act to confirm a Provisional Order of the Ministry of Home Affairs relating to the Borough of Coleraine. [22nd December, 1931.]

WHEREAS the Ministry of Home Affairs has made the Provisional Order set out in the schedule hereto under the provisions of section two hundred and three of the Public Health (Ireland) Act, 1878:

41 & 42 Vict. c. 52.

And whereas it is requisite that the said Order should be confirmed by Parliament:

Be it therefore enacted by the King's Most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same as follows:—

Order in schedule confirmed.

1. The Order set out in the schedule hereto shall be and the same is hereby confirmed and all the provisions thereof shall have full validity and force.

Short title.

2. This Act may be cited as the Ministry of Home Affairs Provisional Order Confirmation (Coleraine Waterworks) Act (Northern Ireland), 1931.

SCHEDULE.

BOROUGH OF COLERAINE.

Coleraine Waterworks Order.

Provisional Order to enable the Council of the Borough of Coleraine to put in force the compulsory clauses of the Lands Clauses Acts.

WHEREAS the Council of the Borough of Coleraine (in this Order referred to as "the borough council") require to purchase and take the lands, water and rights described in the Schedule hereto for the purpose of providing a supply of water for the Borough of Coleraine

Now, therefore the Ministry of Home Affairs for Northern Ireland, in pursuance of the powers vested in it by section two hundred

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and three of the Public Health (Ireland) Act, 1878, and of all other powers enabling the said Ministry in that behalf, hereby orders that from and after the date of the Act of Parliament confirming this Order the following provisions shall have effect, that is to say:— 41 & 42 Vict., c. 52.

1. The borough council shall be empowered to put in force with reference to the lands, water and rights described in the Schedule hereto the powers of the Lands Clauses Acts as amended by section eight of the Public Health (Ireland) Act, 1896, and modified by the Acquisition of Land (Assessment of Compensation) Act, 1919, with respect to the purchase and taking of lands otherwise than by agreement or any of them. 59 & 60 Vict., c. 54. 9 & 10 Geo. 5, c. 57.

2. Any arbitrator for the purpose of this Order may on the application of the borough council award the provision of special supplies of water either in addition to or in substitution for other compensation.

3. For the purpose of this Order the expression "land" in the Lands Clauses Acts shall include the lands, water and rights described in the Schedule hereto.

4. The costs and expenses of the borough council and the Ministry of Home Affairs for Northern Ireland incurred in respect of the application for, preparation, making and confirmation of this Order shall be paid by the borough council out of any fund or rate applicable by the borough council to defray the expenses incurred by them in the execution of the Public Health (Ireland) Acts, 1878 to 1918.

5. This Order may be cited as the Coleraine Waterworks Order, 1931.

The Schedule above referred to.

COUNTY OF LONDONDERRY.

RURAL DISTRICT OF COLERAINE.

LANDS, WATER AND RIGHTS.

No. of plot on deposited plan.	Description of Property.	Owners or reputed Owners.	Lessee or reputed Lessee.	Occupiers.
	TOWNLAND OF FORMOYLE—ELECTORAL DIVISION OF LETTERLOAN.			
1	Mountain pasture and stream, containing 16 perches.	Land Purchase Commission, Northern Ireland. Sir Hervey John William Bruce. Duke of Richmond and Gordon. Colonel Percy Robert Clifton. James O'Neill.	Charles R. C. Leech, (Lessee of sporting rights).	James O'Neill.

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No. of plot on deposited plan.	Description of Property.	Owners or reputed Owners.	Lessee or reputed Lessee.	Occupiers.
	TOWNLAND OF UPPER BALTEAGH—ELECTORAL DIVISION OF LETTERLOAN.			
1	Field and stream containing 7 perches.	Ministry of Agriculture.	James H. Millen. (Lessee of sporting rights).	Ministry of Agriculture.
2	Field and stream containing 3 perches.	Ministry of Agriculture.	James H. Millen (Lessee of sporting rights).	Ministry of Agriculture.
3	Field and stream containing 5 perches.	Ministry of Agriculture.	James H. Millen (Lessee of sporting rights).	Ministry of Agriculture.
4	Field and stream containing 5 perches.	Ministry of Agriculture.	James H. Millen (Lessee of sporting rights).	Ministry of Agriculture.
5	Mountain pasture and stream containing 10 perches.	Ministry of Agriculture.	James H. Millen (Lessee of sporting rights).	Ministry of Agriculture.
	TOWNLAND OF DUNALIS UPPER—ELECTORAL DIVISION OF ARTICLAVE.			
1	Field containing 1 acre.	Land Purchase Commission Northern Ireland. Sir Hervey John William Bruce. Duke of Richmond and Gordon. Colonel Percy Robert Clifton. William M. Fulton.	Charles R. C. Leech, (Lessee of sporting rights).	William M. Fulton.
	TOWNLAND OF LOWER BALTEAGH—ELECTORAL DIVISION OF LETTERLOAN.			
Flax Mill ..	Patrick Boylan.			Patrick Boylan.
	TOWNLAND OF LEARDEN—ELECTORAL DIVISION OF DRUMCROON.			
Flax Mill ..	Samuel Marshall.			Samuel Marshall.

Headwaters of stream flowing to mills to be intercepted.

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No. of plot on deposited plan.	Description of Property.	Owners or reputed Owners.	Lessee or reputed Lessee.	Occupiers.	
	TOWNLAND OF MACOSQUIN—ELECTORAL DIVISION OF DRUMCROON.				
	Corn Mill ..	Major John A. W. O. Torrens. Land Purchase Commission Northern Ireland. William Mooney		William Mooney.	Head waters of stream flowing to mills to be intercepted.
	Flax Mill ..	Major John A. W. O. Torrens. Land Purchase Commission Northern Ireland. William Mooney	William Mooney.	Macosquin Co-operative Flax Society.	
	TOWNLAND OF DUNDERG—ELECTORAL DIVISION OF DRUMCROON.				
	Bleach Works	Mrs. Caroline Jane Benjamina Bennett.	Edward Gribbon & Sons, Ltd. (In liquidation).	Edward Gribbon & Sons, Ltd. (In liquidation).	
	TOWNLAND OF ENGLISHTOWN—ELECTORAL DIVISION OF SOMERSET.				
	Flax Mill ..	Richard Wallace.		Richard Wallace.	
	TOWNLAND OF COLLINS—ELECTORAL DIVISION OF DRUMCROON.				
	Flax Mill ..	James Stewart.		James Stewart.	
	Flax Mill ..	James Stewart.		Edward Irwin.	
	TOWNLAND OF BALLINREES—ELECTORAL DIVISION OF AGHADOWEY.				
	Beetling Mill	Maria Rankin.		Maria Rankin.	
	TOWNLAND OF CULCROW—ELECTORAL DIVISION OF AGIVEY.				
	Corn Mill ..	James Arthur.		James Arthur.	

Given under the Seal of the Ministry of Home Affairs for Northern Ireland this first day of May, One thousand nine hundred and thirty-one.

(L.S.)

D. L. CLARKE,
Assistant Secretary.

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CHAPTER vii.

An Act to confirm a Provisional Order of the Ministry of Home Affairs relating to the Urban District of Tandragee. [22nd December, 1931.]

WHEREAS the Ministry of Home Affairs has made the Provisional Order set out in the schedule hereto under the provisions of section two hundred and three of the Public Health (Ireland) Act, 1878:

41 & 42 Vict., c. 52.

And whereas it is requisite that the said Order should be confirmed by Parliament:

Be it therefore enacted by the King's Most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same as follows:—

Order in schedule confirmed.

1. The Order set out in the schedule hereto shall be and the same is hereby confirmed and all the provisions thereof shall have full validity and force.

Short title.

2. This Act may be cited as the Ministry of Home Affairs Provisional Order Confirmation (Tandragee Waterworks) Act (Northern Ireland), 1931.

SCHEDULE.

URBAN DISTRICT OF TANDRAGEE.

Tandragee Waterworks Order.

Provisional Order to enable the Council of the Urban District of Tandragee to put in force the compulsory clauses of the Lands Clauses Acts.

WHEREAS the Council of the Urban District of Tandragee (in this Order referred to as "the district council") require to purchase and take the lands, water and rights described in the schedule hereto for the purpose of providing a supply of water for the Urban District of Tandragee:

Now, therefore the Ministry of Home Affairs for Northern Ireland, in pursuance of the powers vested in it by section two hundred and three of the Public Health (Ireland) Act, 1878, and of all other

41 & 42 Vict., c. 52.

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A.D. 1931.

powers enabling the said Ministry in that behalf hereby orders that from and after the date of the Act of Parliament confirming this Order the following provisions shall have effect, that is to say:—

1. The district council shall be empowered to put in force with reference to the lands, water and rights described in the Schedule hereto the powers of the Lands Clauses Acts as amended by section eight of the Public Health (Ireland) Act, 1896, and modified by the Acquisition of Land (Assessment of Compensation) Act, 1919, with respect to the purchase and taking of lands otherwise than by agreement or any of them. 59 & 60 Vict. c. 54. 9 & 10 Geo. 5, c. 57.

2. Any arbitrator for the purposes of this Order may on the application of the district council award the provision of special supplies of water either in addition to or in substitution for other compensation.

3. For the purpose of this Order the expression "land" in the Lands Clauses Acts shall include the lands, water and rights described in the Schedule hereto.

4. The costs and expenses of the district council and the Ministry of Home Affairs for Northern Ireland incurred in respect of the application for, preparation, making and confirmation of this Order shall be paid by the district council out of any fund or rate applicable by the district council to defray the expenses incurred by them in the execution of the Public Health (Ireland) Acts, 1878 to 1918.

5. This Order may be cited as the Tandragee Waterworks Order, 1931.

The Schedule above referred to.

COUNTY OF ARMAGH.

URBAN DISTRICT OF TANDRAGEE.

DISTRICT ELECTORAL DIVISION OF MULLAGHBRACK.

LANDS, WATER AND RIGHTS.

No. of Plot on Deposited Plan.	Description of Property.	Owners or Reputed Owners.	Lessees or Reputed Lessees.	Occupier.
1	Arable, containing 18 perches.	James Parkes.	James Parkes.	James Parkes.
2	Occupation Road containing 36 perches.	Thomas M'Connell. John Johnson. Wm. Johnson. James Parkes. W. T. Muldrew. R. J. Grimason. Henry M'Keown.	Thomas M'Connell. John Johnson. Wm. Johnson. James Parkes. W. T. Muldrew. R. J. Grimason. Henry M'Keown.	Thomas M'Connell. John Johnson. Wm. Johnson. James Parkes. W. T. Muldrew. R. J. Grimason. Henry M'Keown.

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No. of Plot on Deposited Plan.	Description of Property.	Owners or Reputed Owners.	Lessees or Reputed Lessees.	Occupier.
3	Pasture containing 11 perches.	Henry M'Keown.	Henry M'Keown.	Henry M'Keown.
4	Pasture containing 6 perches.	Henry M'Keown.	Henry M'Keown.	Henry M'Keown.
5	Pasture containing 1 rood and 20 perches.	Henry M'Keown.	Henry M'Keown.	Henry M'Keown.
6	Scrub containing 14 perches.	Henry M'Keown.	Henry M'Keown.	Henry M'Keown.
7	Rough pasture containing 26 perches.	Henry M'Keown.	Henry M'Keown.	Henry M'Keown.
8	Arable containing 35 perches.	Thomas M'Connell.	Thomas M'Connell.	Thomas M'Connell
9	Rough pasture containing 9 perches.	Thomas M'Connell.	Thomas M'Connell.	Thomas M'Connell
10	Occupation Road containing 10 perches.	W. T. Muldrew. Wm. Johnson. John Johnson.	W. T. Muldrew. Wm. Johnson. John Johnson.	W. T. Muldrew. Wm. Johnson. John Johnson.
11	Arable containing 9 perches.	W. T. Muldrew.	W. T. Muldrew.	W. T. Muldrew.
12	Arable containing 5 perches.	W. T. Muldrew.	W. T. Muldrew.	W. T. Muldrew.
13	Arable containing 1 rood and 37 perches.	W. T. Muldrew.	W. T. Muldrew.	W. T. Muldrew.
14	Glenoran Well and Springs.	Henry M'Keown.	Henry M'Keown.	Henry M'Keown.
15	Water Rights containing 31 perches.	Henry M'Keown.	Henry M'Keown.	Henry M'Keown.
16	Water Rights containing 3 roods and 24 perches.	Henry M'Keown.	Henry M'Keown.	Henry M'Keown.

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A.D. 1931.

on Deposited Plan.	Description of Property.	Owners or Reputed Owners.	Lessees or Reputed Lessees.	Occupier.
17	Water Rights containing 2 roods and 25 perches.	Henry M'Keown.	Henry M'Keown.	Henry M'Keown.
18	Water Rights containing 3 roods and 21 perches.	Thomas M'Connell.	Thomas M'Connell.	Thomas M'Connell.

Given under the Seal of the Ministry of Home Affairs for Northern Ireland this first day of May, 1931.

D. L. CLARKE,
(L.S.) Assistant Secretary.

CHAPTER viii.

An Act to confirm a Provisional Order of the Ministry of Home Affairs relating to the Rural District of Downpatrick. [22nd December, 1931.]

WHEREAS the Ministry of Home Affairs has made the Provisional Order set out in the schedule hereto under the provisions of section two hundred and three of the Public Health (Ireland) Act, 1878: 41 & 42 Vict., c. 52.

And whereas it is requisite that the said Order should be confirmed by Parliament:

Be it therefore enacted by the King's Most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same as follows:—

1. The Order as amended and set out in the schedule hereto shall be and the same is hereby confirmed and all the provisions thereof shall have full validity and force. Order in schedule confirmed.

2. This Act may be cited as the Ministry of Home Affairs Provisional Order Confirmation (Strangford Waterworks) Act (Northern Ireland), 1931. Short title.

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A.D. 1931.

SCHEDULE.

RURAL DISTRICT OF DOWNPATRICK.

Strangford Waterworks Order.

Provisional Order to enable the Council of the Rural District of Downpatrick to put in force the compulsory clauses of the Lands Clauses Acts.

WHEREAS the Council of the Rural District of Downpatrick (in this Order referred to as " the district council ") require to purchase and take the lands, water and rights described in the Schedule hereto for the purpose of providing a supply of water for the village and neighbourhood of Strangford in their Rural District:

Now, therefore the Ministry of Home Affairs for Northern Ireland, in pursuance of the powers vested in it by section two hundred and three of the Public Health (Ireland) Act, 1878, and of all other powers enabling the said Ministry in that behalf, hereby orders that from and after the date of the Act of Parliament confirming this Order the following provisions shall have effect, that is to say:—

41 & 42 Vict., c. 52.

1. The district council shall be empowered to put in force with reference to the lands, water and rights described in the Schedule hereto the powers of the Lands Clauses Acts as amended by section eight of the Public Health (Ireland) Act, 1896, and modified by the Acquisition of Land (Assessment of Compensation) Act, 1919, with respect to the purchase and taking of lands otherwise than by agreement or any of them.

59 & 60 Vict., c. 54.
9 & 10 Geo. 5, c. 57.

2. Any arbitrator for the purposes of this Order may on the application of the district council award the provision of special supplies of water either in addition to or in substitution for other compensation.

3. For the purpose of this Order the expression " land " in the Lands Clauses Acts shall include the lands, water and rights described in the Schedule hereto.

4. The costs and expenses of the district council and the Ministry of Home Affairs for Northern Ireland incurred in respect of the application for preparation, making and confirmation of this Order shall be paid by the district council, and the money required for that purpose shall be supplied by the county council of Down in the manner provided by the Local Government (Ireland) Act, 1898, as part of the expenses of the district council.

61 & 62 Vict., c. 37.

5. This Order may be cited as the Strangford Waterworks Order, 1931.

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The Schedule above referred to. A.D. 1931.

COUNTY OF DOWN.

RURAL DISTRICT OF DOWNPATRICK—DISTRICT ELECTORAL DIVISION OF STRANGFORD.

LANDS, WATER AND RIGHTS.

No. of plot on deposited plan.	Description of Property.	Area of land proposed to be taken. A. R. P.	Owners or reputed Owners.	Occupiers.
	TOWNLAND OF TULLYRATTY.			
4.	Right of Way.	0 0 10	Rep. John Lawson.	Rep. John Lawson.
	TOWNLAND OF BALLINTLIEVE.			
7.	Rough Pasture	0 0 20	John Seeds or Lord Dunleath.	John Seeds or Lord Dunleath.
8. (pt. of)	Portion of Great Dam ..	2 0 4	John Seeds or Lord Dunleath.	John Seeds or Lord Dunleath.
	TOWNLAND OF CARRINTAGGART.			
9.	Rough Pasture	0 1 16	Danl. M'Kane, Hugh M'Cartan.	Danl. M'Kane, Hugh M'Cartan.
10. (pt. of)	Portion of Great Dam ..	1 0 0	Mary Seeds.	Mary Seeds.
11. (pt. of)	Rough Pasture	0 0 5	Mary Seeds.	Mary Seeds.
12.	Rough Pasture	0 0 29	Mary Seeds.	Mary Seeds.
13. (pt. of)	Rough Pasture	0 0 3	Mary Seeds.	Mary Seeds.
	TOWNLAND OF BALLYCULTER UPPER.			
15.	Right of Way	0 0 32	John Orr.	John Orr.
16.	Pasture ..	0 1 8	John Orr.	John Orr.
18.	Accommodation Road ..	0 1 32	Samuel Orr.	Samuel Orr.
	TOWNLAND OF STRANGFORD UPPER.			
19.	Pasture ..	0 3 0	Samuel Seeds.	Samuel Seeds.

Given under the Seal of the Ministry of Home Affairs for Northern Ireland this eleventh day of February, 1931.

D. L. CLARKE,
Assistant Secretary.

(L.S.)

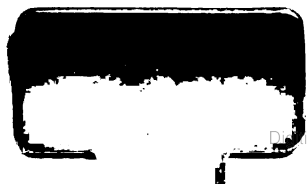
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